

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:  
IN THE MATTER OF: :  
 :  
3rd H Streets, N.E. :  
STEUART INVESTMENT COMPANY :  
and : Case No. 06-01  
STEUART - H STREET LLC :  
-----:

Thursday,  
July 6, 2006

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

The Special Public Hearing of Case No. 06-01  
by the District of Columbia Zoning Commission convened  
at 7:30 p.m. in the Office of Zoning Hearing Room at 441  
4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Carol J. Mitten,  
Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN G. PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
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OFFICE OF PLANNING STAFF PRESENT:

ELLEN MCCARTHY  
JENNIFER STEINGASSER  
JOEL LAWSON  
TRAVIS PARKER

The transcript constitutes the minutes from  
the Special Public Hearing held on July 6, 2006.

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P-R-O-C-E-E-D-I-N-G-S

7:30 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, July 6, 2006. My name is Carol Mitten and joining me this evening are Vice Chairman, Anthony Hood and Commissioners Mike Turnbull, John Parsons, and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 06-01. This is a request by Steuart Investment Company and Steuart - H Street LLC for approval of a consolidated planned unit development and related map amendment for property fronting on 3<sup>rd</sup>, 4<sup>th</sup> and H Street and known as lots 9, 25-31, 51-53, 800 and 821 in square 776 and portions of public alleys proposed to be closed.

Notice of today's hearing was published in the D.C. Register on May 19, 2006 and copies of that hearing announcement are available to you and they're on the table by the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3022 and the order of procedure will be as follows. We'll take up any preliminary matters, followed by the presentation of the applicant's case, the report by the Office of Planning,

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1 reports of any other government agencies, report by the  
2 affected Advisory Neighborhood Commission, in this case  
3 it's ANC-6C, organizations and persons in support and  
4 organizations and persons in opposition.

5 The following time constraints will be  
6 maintained in the hearing. The applicant will have 45  
7 minutes, organizations will have five minutes and  
8 individuals will have three minutes. The Commission  
9 intends to adhere to the time limits as strictly as  
10 possible in order to hear the case in a reasonable period  
11 of time.

12 The Commission reserves the right to change  
13 the time limits for presentations if necessary and notes  
14 that no time shall be ceded.

15 All persons appearing before the Commission  
16 are to fill out two witness cards. The cards are also  
17 on the table by the door. Upon coming forward to speak  
18 to the Commission please give both cards to the court  
19 reporter who's sitting to our right.

20 Please be advised that this proceeding is  
21 being recorded by the court reporter and is also being  
22 webcast live. Accordingly, we ask you to refrain from  
23 making any disruptive noises in the hearing room.

24 When presenting information to the  
25 Commission, please turn on and speak into the microphone,

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1 first stating your name and address. When you're finished  
2 speaking please turn the microphone off because they tend  
3 to pick up background noise.

4 The decision of the Commission in this case  
5 must be based exclusively on the public record. To avoid  
6 any appearance to the contrary the Commission requests  
7 that persons present not engage the members of the  
8 Commission in conversation during a recess or at any other  
9 time.

10 Mrs. Schellin will be available throughout  
11 the hearing to answer any procedural questions that you  
12 might have. I'd ask you to turn off all beepers and cell  
13 phones at this time so as not to disrupt the hearing and  
14 we'll take up any preliminary matters. I know there's  
15 one, Mrs. Schellin.

16 MRS. SCHELLIN: I just had one other one.  
17 I'm actually making copies now. The ANC did submit a  
18 letter in support and we'll be passing out copies of that  
19 to you.

20 CHAIRPERSON MITTEN: Okay. That's great.  
21 And we had a letter that articulated a request for party  
22 status from Mackie McCrea but the letter did not rise to  
23 the level of meeting our requirements for a request party  
24 status, so I'd like to know what the Commission's  
25 preference is in terms of how to handle this.

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1                   There's also a suggestion in the letter that  
2                   this individual would in some way be representing the  
3                   balance of the residents in the square in question but  
4                   there's no authorization from those residents for that  
5                   individual to represent them so that's another issue in  
6                   terms of the party status request.

7                   COMMISSIONER PARSONS:     It seems as though  
8                   they're more anxious to give testimony.

9                   CHAIRPERSON MITTEN:     Um-mmm.

10                  COMMISSIONER PARSONS:     And maybe that's  
11                  their understanding of the word party status, and we'll  
12                  certain allow them to testify.    So maybe that's the more  
13                  meaningful thing to do.

14                  CHAIRPERSON MITTEN:     Right.    I think that's  
15                  true and we often get requests for party status when that  
16                  is the intent, and I think that because this does not rise  
17                  to the level of meeting our requirements for party status,  
18                  I think we should deny the party status request but  
19                  encourage the individual in question to testify when that  
20                  time comes.    So I would move that we deny the request from  
21                  Mackie McCrea for party status.

22                  COMMISSIONER PARSONS:     Second.

23                  CHAIRPERSON MITTEN:     Any discussion?   All  
24                  those in favor please say aye.    Aye.

25                  (Ayes.)

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1 CHAIRPERSON MITTEN: Any opposed? Mrs.  
2 Schellin.

3 MRS. SCHELLIN: Staff will record the vote  
4 5-0-0 to deny party status to Mackie McCrea, Commissioner  
5 Mitten moving, Commissioner Parsons seconding,  
6 Commissioners Jeffries, Hood and Turnbull in favor.

7 CHAIRPERSON MITTEN: Thank you. Mr. Glasgow,  
8 did you have anything as a preliminary matter?

9 MR. GLASGOW: I have no preliminary matters.

10 CHAIRPERSON MITTEN: Okay. Then I'd ask  
11 you to begin.

12 MR. GLASGOW: All right. Thank you. Good  
13 evening members of the Commission. For the record my name  
14 is Norman M. Glasgow, Jr., of the law firm of Holland &  
15 Knight and here with me today is Mr. Tom Carroll of the  
16 same firm representing the applicant, which is Steuart  
17 Investment Company, in its application for a planned unit  
18 development approval with associated map amendment and  
19 alley closing for property fronting on H Street, N.E.  
20 between 3<sup>rd</sup> and 4<sup>th</sup> Streets, N.E.

21 Also this evening are Mr. Guy Steuart on  
22 behalf of the applicant to my immediate right. Mr. Maurice  
23 Walters and Larry Brader are here from the architectural  
24 firm of Torti Gallas, Mr. Jim Alexander who's in the  
25 audience, he's the project manager. Mr. Eric Smart of

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1 Bohlen Smart Associates, Mr. Marty Wells, traffic engineer,  
2 and Mr. Steven Suer, land planner.

3 I will offer Mr. Walters as an expert in  
4 architecture, Mr. Smart an expert in land economics, Mr.  
5 Wells in traffic engineering and Mr. Suer in land planning.

6 It's my understanding that all of these witnesses have  
7 been accepted in the past as experts by this Commission  
8 in their respective fields of expertise. And if there  
9 are any questions on that?

10 CHAIRPERSON MITTEN: I'm sorry. Would you  
11 run down the list again?

12 MR. GLASGOW: Sure. Mr. Walters, expert  
13 in architecture, he's appeared and testified before this  
14 Commission in the past; Mr. Smart, land economics; Mr.  
15 Wells in traffic engineering and Mr. Suer in land planning.

16  
17 CHAIRPERSON MITTEN: Is there anyone who  
18 needs to see resumes for any of the individuals? Okay.

19 Is there any objection to accepting them as experts in  
20 the proffered fields? All right.

21 MR. GLASGOW: Thank you. I'd also like  
22 to give just a brief opening statement before proceeding  
23 with the testimony of the witnesses.

24 This project does represent an effort to  
25 anchor the west end of the H Street corridor with an

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1 important project consistent with the H Street strategic  
2 development plan, and consistent with the actions by this  
3 Commission with respect to the H Street overlay where this  
4 square was recognized as a square where a grocery store  
5 could be established. And if you look at the submissions  
6 by the applicant and the plat of the square and the  
7 ownership within the square, this is the only site within  
8 the square where a grocery store could be located.

9 The Commission adopted the H Street overlay  
10 district recently and the City Council adopted the H Street  
11 strategic development plan which also references this site  
12 as a site that's appropriate for an eight to six story  
13 residential building as a potential development of the  
14 site.

15 The applicant has been to a total of nine  
16 community meetings involving this project spanning the  
17 time frame from early February through mid-June and has  
18 received the support from the near Northeast Citizens  
19 Association, the ANC, the H Street CDC, the Capitol Hill  
20 Restoration Society and Council Member Ambrose.

21 As it to be expected in any major project  
22 along a commercial corridor where there is residential  
23 in close proximity, there is not unanimity in support for  
24 the project. However, given the experience that we've  
25 had in the nine community meetings, we believe that the

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1 vast majority of residents in the community and community  
2 groups have been extremely supportive and encouraging of  
3 this project which involves a number of community  
4 amenities, including the provision of a grocery store  
5 without requesting any additional government subsidies,  
6 and as you note from the letter from Council Member Ambrose  
7 those subsidies were needed to be provided in the past  
8 for the provision of a grocery store at Pennsylvania and  
9 Potomac Avenues, S.E.

10 We had to go to the City Council and get some  
11 special legislation in order to provide the economic  
12 wherewithal in order to build below grade parking for a  
13 grocery store because grocery stores do not pay -- they  
14 will pay in a certain rent range for space. It is not  
15 their problem as to how you have to provide parking in  
16 an urban location of sub surface parking which costs many  
17 multiples of surface parking and that has to be made up  
18 by the applicant through one way or another.

19 Here we're using the planning unit  
20 development process for that.

21 Additional amenities for the project include  
22 set back along H Street, the removal of curb cuts from  
23 H Street, the provision of 10 percent of the increased  
24 FAR and affordable housing units and also we believe a  
25 very well designed mixed-use building.

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1 In continuing discussions with the potential  
2 grocery store occupant of the site there's been a slight  
3 modification to the plans which we will want to present  
4 to the Commission this evening, which include the shifting  
5 of the residential entry one bay to the east and further  
6 set back from the property line of the central apartment  
7 building leg. And that will be discussed in the greatest  
8 detail by Mr. Maurice Walters and will be referenced by  
9 Mr. Steuart.

10 There were also modifications  
11 to the facade suggested and raised by the Capitol Hill  
12 Restoration Society which has issued a letter in support  
13 of the application which we believe they were thought out  
14 very well and we incorporated a number of those into the  
15 project.

16 The project has a maximum height of 90 feet  
17 along H Street, the center wing in the interior of the  
18 square and the western wing along 3<sup>rd</sup> Street. They also  
19 set down step downers will be addressed by the architect.

20 The FAR for the project is approximately 5.0,  
21 which is approximately 60,000 square feet, less than would  
22 be permitted in the 6 FAR C-2-B PUD project.

23 The applicant has also requested a rezoning  
24 from the C-2-A to C-2-B for approximately 10,000 square  
25 feet of land area within the site and if you look at the

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1 plans that are of record on sheet GO-3 while it says C-2-A  
2 because that's the zoning map that the city has, the  
3 western part of the site  
4 is C-2-B and there is an eastern piece, an eastern corner  
5 that's about 10,000 square feet, including alleys to be  
6 closed, it's about 7,000 square feet of land that would  
7 be rezoned from C-2-A to C-2-B and you will see that there's  
8 essentially no difference in that depth within the square.  
9

10 If there are no preliminary questions I'd  
11 like to proceed with the testimony of the witnesses, first  
12 calling Mr. Guy Steuart.

13 CHAIRPERSON MITTEN: We'll hold our  
14 questions to the end.

15 MR. GLASGOW: Thank you.

16 MR. STEUART: Good evening members of the  
17 Commission. My name is Guy Steuart, I am senior vice  
18 president of Steuart Investment Company speaking on behalf  
19 of my family's business and the applicant in this project.  
20 My address is 5454 Wisconsin Avenue, Chevy Chase,  
21 Maryland.

22 Speaking to some of the specifics and a little  
23 history of our involvement in this site. The square is  
24 divided by an alley that runs north to south from H Street  
25 to Eye Street. All commercial property west of this alley

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1 has been owned by our family business since the early  
2 1950s.

3 In the mid 1970s we leased the property to  
4 Amoco and in February 2000 BP Amoco bought 13 lots east  
5 of the alley which constituted the balance of all  
6 commercial ground in the square.

7 In early 2005, BP Amoco made a corporate  
8 decision to abandon its plans for development of a gas  
9 station and convenience store and approached us about  
10 disposing of what it characterized as excess property.

11 We worked for nearly a year to buy the  
12 property and relieve BP Amoco of its lengthy ground lease  
13 liabilities to us, and we finalized this transaction with  
14 BP Amoco this past December.

15 We testified before this body, as Mr. Glasgow  
16 has mentioned, in support of the H Street overlay last  
17 June with the exceptions, since adopted, that the  
18 commercial ground in square 776 retain enough commercial  
19 density sufficient to accommodate a grocery store.

20 In January of this year we filed our plans  
21 for the mixed-use project now before us. The grocery store  
22 and residential project 232 units, plus or minus, and  
23 hopefully we'll provide further detail from Mr. Walters  
24 tonight to satisfy the Commission's inquiries.

25 We subsequently presented our plans to the

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1 community on several occasions including, as Mr. Glasgow  
2 mentioned, the Near Northeast Neighborhood Association,  
3 the Linden Street Neighborhood Association, Capitol Hill  
4 Restoration Society and H Street Main Street sponsored  
5 community meeting a single member district sponsored  
6 community, meeting the ANC planning and zoning committee  
7 twice and the full ANC twice.

8 We subsequently received the ANC's  
9 endorsement in a 5-2 vote last month and we received the  
10 Office of Planning's endorsement, Council Member  
11 Ambrose's support, as well as much community support  
12 within the neighborhoods.

13 Throughout the community meetings and  
14 discussions we received and incorporated many suggestions  
15 that have led to we think a better project design and,  
16 we hope, a project that is consistent with the H Street  
17 overlay and better serves the community and helps to  
18 revitalize the H Street communities.

19 We have stated consistently that to  
20 accommodate a grocery store the property must be  
21 consolidated and the alley system which divides the lots  
22 must be closed. We have requested closure only for those  
23 portions of the alleys running through the commercial  
24 zoned land. We now own both sides of these alleys, the  
25 northern segment of the alley that empties onto Eye Street

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1 will remain as is, so the alley access will still be there  
2 after we're, hopefully, developed.

3 If the alley closings are approved and our  
4 project moves ahead, we propose to greatly improve  
5 navigation within the square by widening the remaining  
6 alleys to a minimum of 20 feet. All residential lots with  
7 which we share a common alley would benefit by permitting  
8 easier vehicular access to the rear of their lots through  
9 this improved alley way.

10 Presently these alleys we seek to widen are  
11 anywhere from 8 to 12 feet wide and generally cumbersome  
12 to navigate if navigable at all.

13 To accommodate the improved alley network  
14 we will set back our building from our lot line sufficient  
15 to create the 20 foot width along common property  
16 boundaries with the residential neighbors.

17 We will not use the wider alley system for  
18 commercial use as all grocery loading will be accessed  
19 directly from 3<sup>rd</sup> Street.

20 I hope this clarifies our intent with respect  
21 to the alley network and to our past ownership interest  
22 in the square.

23 Segueing into a couple of modifications that  
24 Mr. Glasgow mentioned, there are two improvements to the  
25 project that we've incorporated since the full ANC's

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1 approval last month which bear mentioning.

2 We continue to negotiate with a grocery store  
3 and within the past two weeks it was made clear by the  
4 grocery that we needed to provide a more efficient sales  
5 area for the grocer. As a result, a revised plan now before  
6 the Commission square off the interior dimension of the  
7 grocery store by moving the residential elevator and  
8 service core approximately 30 feet east of where the core  
9 was located in earlier presentations.

10 This revision expands the grocery store sales  
11 area and adds two floors of residential units for about  
12 a 30-foot length of the H Street frontage on the project's  
13 panhandle wing, that's the eastern side.

14 This allows us to provide elevator access to all  
15 residential floors in the development and to recapture  
16 the residential floor area lost by relocating the core.

17 The revised grocery store design with the added  
18 residential units on the H Street front introduced an  
19 opportunity to reduce the project now seen elsewhere in  
20 the square in order that we stay within our proposed PUD  
21 density.

22 Accordingly, and paying heed to some  
23 community concerns, our revised plan is more sensitive  
24 to our residential neighbors inasmuch as we propose  
25 widening our set backs on the northern elevations of the

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1 residential floors. Simply put we've added another 8 feet  
2 in setbacks along the northern elevations of the  
3 residential wings pulling the upper floors or our building  
4 further away from the residential lots to our north.

5 This setback refinement keeps the project  
6 within the FAR density required in the PUD submission and  
7 we believe reduce the project's massing on the residential  
8 lots.

9 I will now turn over the presentation to  
10 Maurice Walters of Torti Gallas and I thank the Commission  
11 Members for their time this evening.

12 MR. WALTERS: Good evening Madam Chair and  
13 Commissioners. Maurice Walters, I reside at 623  
14 Constitution Avenue, N.E. I'm a principal with the firm  
15 of Torti Gallas & Partners, and I'll start my presentation.

16 Can we dim the lights?

17 This first slide I think is important because  
18 the site's at a very great location and proximity to Metro.

19 The site is here on the H Street corridor, it's within  
20 a 10-minute walk to both Union Station and the new New  
21 York Avenue sites, so that gives a very nice location for  
22 using transit, as well as being nicely located in the  
23 Capitol Hill neighborhood and the neighborhoods to the  
24 north of H Street. A very nice location for a grocery  
25 store to serve those neighborhoods.

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1 Here's a detail of the site. You can see  
2 the H Street corridor, the edge of the bridge, the train  
3 tracks, the railway building, the Senate Square  
4 development, and then this is our site here. The existing  
5 town homes along 4<sup>th</sup>, some vacant sites at the corner, some  
6 more town houses along Eye Street and then coming back  
7 down 3<sup>rd</sup>.

8 There's a lot of discussion about the alleys  
9 and we wanted to take just a moment to hopefully clarify  
10 what's going on. This is an existing survey of the  
11 existing conditions. There is in the middle of the site  
12 a 15-foot alley that runs north-south from H Street all  
13 the way up to Eye Street.

14 Additionally, in the middle of the site, here  
15 is a 30-foot spur of the alley, the shaded areas indicate  
16 the alleys that are within the Steuart Investment  
17 Property's property. Then there's an existing 8-foot  
18 alley that comes over here and when it crosses it goes  
19 out to 4<sup>th</sup> Street, so that's an 8-foot alley. Then there's  
20 an existing 8-foot alley that runs behind the 4<sup>th</sup> Street  
21 properties and then a 10-foot alley behind the properties  
22 on Eye Street, and then when it crosses the 15-foot alley  
23 it grows to a 12-foot alley continuing over here. And  
24 then about an 8-foot alley that runs back out to Eye Street.

25 And we're proposing closing the alleys within

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1 our property but also expanding the perimeter alleys that  
2 serve the existing houses. The 12-foot alley looks to  
3 be functional today, it looks like it's getting used; the  
4 existing 8-foot alleys are not functional and the  
5 intention is to open them up to 20 feet so that those  
6 residents will then have use of the alley system to access  
7 the back of their property, which except for the few that  
8 might abut this 30-foot alley they don't really have that  
9 today.

10 There you can some of the 8-foot alleys,  
11 there's actually the end of the 30-foot alley and the  
12 8-foot alley going north-south. There's one of the very  
13 small 8-foot alleys and then there's the 12-foot alley  
14 that seems to get used. It looks like the trash is picked  
15 up along that alley. I'll get into that in a little bit  
16 more detail in a minute showing you the proposed --

17 One quick note, Mr. Glasgow mentioned on the  
18 overlay very importantly calling for 6 to 8 stories. We  
19 took that as our point of departure for the PUD and that  
20 is in fact the building heights we're providing.

21 This diagram illustrates the current plan  
22 of the development. H Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street and  
23 Eye Street. H Street, of course, is two-way, 3<sup>rd</sup> Street  
24 is two-way, Eye is one way and 4<sup>th</sup> is one way, and that  
25 has an impact on how we saw people and vehicles accessing

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1 the site.

2 Obviously, it became quickly apparent that  
3 the footprint of the grocery store wanted to fit on the  
4 larger portion of the site and that we would utilize this  
5 smaller panhandle over here for smaller neighborhood  
6 oriented retail as well as residential aspects of the  
7 project. So that was a quick decision.

8 Then the entry to the grocery store,  
9 pedestrian entry, really wants to be at the corner of 3<sup>rd</sup>  
10 and H. It is the prominent corner as you come over the  
11 bridge. And then since there is two way traffic on 3<sup>rd</sup>,  
12 we've situated the garage ramp leading to all below grade  
13 parking off of 3<sup>rd</sup> Street as well as three truck berths  
14 in there as opposed to bringing the trucks into the middle  
15 of the block where they would have an adverse impact on  
16 the neighbors.

17 You can see here where we've supplemented  
18 the alley system. The existing 12-foot alley along here  
19 has been widened by 8 feet to make it a minimum of 20,  
20 and then at the jog, the 8 has had 12 added to give it  
21 20, I'm sorry 10 and 10, 8 and 12 to get to 20 and 8, it's  
22 actually a little less than 8 there and then more than  
23 12 to get it actually a little bit over 20 in this point.

24

25 So those neighbors now should have access

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1 to the backs of their lots, and if they choose to park  
2 in the rear of their lot they now have that option available  
3 to them when this is built out.

4 The loading I'll speak about a little bit  
5 more. The grocery store standards require two 55-foot  
6 truck berths as well as an internal compactor and then  
7 there'll be a service delivery space in front of that and  
8 that has a ramp up to the store level. That has to be  
9 depressed down about 4 feet. So we've ramped it down  
10 from inside. It is proposed to be inside the envelope  
11 of the building, there will be doors and it's oversize,  
12 it's deeper than the standard 55-feet by about 10 feet  
13 to allow the trucks to get inside and really get in there  
14 and get the door closed, as opposed to having them hang  
15 out on the sidewalk.

16 Also you'll see and actually let me zoom in  
17 on this in a little more detail. We've set them back ever  
18 so slightly just to kind of put them back in the shadow  
19 and also the door to the garage ramp has been pushed back  
20 a bit to kind of give it a hyphen type quality.

21 The garage ramp does not extend all the way  
22 to the neighboring row house. There is a garage air intake  
23 shaft that brings fresh air down to the garage that kind  
24 of buffers that house from the drive ramp as well as an  
25 exit stair that leads down from the building above.

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1           The ramps I talked about. The 3<sup>rd</sup> Street  
2 sidewalk is very gracious, about 28 feet. We hope to have  
3 a café type zone out there at the corner entry. There'll  
4 be escalators and stairs going down to the parking as well  
5 as elevators to bring shoppers up the drive, up to a  
6 vestibule and then into the store.

7           Mr. Glasgow mentioned very early on we chose  
8 to pull the building back from the right of way line.

9       When we analyzed the sidewalks they were in fact very  
10 narrow and we would have got 11 and 12 foot sidewalks,  
11 so we've even pulled it back about 4 feet on average to  
12 augment the sidewalk. We have to get relief from the  
13 H Street overlay that calls to be built to the property  
14 line.

15           The envelope of the store, as Mr. Steuart  
16 and Mr. Glasgow mentioned, in a kind of late refinement  
17 to the design we had to grab more space over here and push  
18 the residential lobby to the east to get this up to about  
19 40,000 square feet on the main level and 12,000 square  
20 meet of mezzanine space. The mezzanine space is situated  
21 along H Street and 3<sup>rd</sup> Street and then there'll be taller  
22 ceilings within the body of the store.

23           The lobby occurs farther down the block with  
24 their elevators, front desk, and then three bays of smaller  
25 neighborhood based retail, 580 feet, 560 feet and 1,461

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1 feet. That retail although the total size doesn't require  
2 any loading, it's intended to share some loading with the  
3 residential, will have a 55-foot truck berth, a loading  
4 platform as well as a service truck berth here along the  
5 back. Those will have access behind the elevator bank  
6 into a service elevator for move-ins as well as the  
7 residential trash compactor resides back here. Those  
8 can be wheeled out and picked up. And then we also have  
9 a retail trash area there for internal retail trash where  
10 that can be brought out and picked up immediately.

11 And then those retail spaces can access the  
12 back for loading and there's a little spur corridor to  
13 go around and serve the other retail.

14 As I mentioned, the lobby with a door, front  
15 desk. We also have a leasing component that is intended  
16 -- this is intended as apartments so it needs a leasing  
17 component, then three shop fronts and then wrapping around  
18 the corner on the wider right of way also an outdoor café  
19 zone on 4<sup>th</sup> Street.

20 Just quickly, this is the previous plan that  
21 you've seen. Just to get a bearing, the lobby used to  
22 reside farther over in the main block and it moved to the  
23 east to get the square footage up. We were previously  
24 at 35,000 square feet on the ground floor.

25 These are some images of the type of store

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1 that's envisioned, a mezzanine area of about 15 feet high  
2 with things like beer and wine and sundries, and then the  
3 main floor of the store, a very tall store that we're trying  
4 to get here, a modern store. It'll have 28 foot ceilings  
5 to get the type of tenant that we're going for. And that's  
6 kind of a lot of the reason for the additional height  
7 required.

8           There's the mezzanine, you can see curving  
9 up. On the other portions of the building we are starting  
10 to occupy with residential at approximately the same level  
11 as the mezzanine. We get apartments above the smaller  
12 shops, they still will have about an 18-foot ceiling but  
13 we'll start the apartments and then also importantly the  
14 building starts to set back. It's pulling back about  
15 6 feet from the grocery store envelope there and about  
16 10 feet on the back at that point.

17           Also some mechanical mezzanine's over in this  
18 area.

19           And then when we get to the third floor,  
20 that's the first full floor of residential, we have a  
21 landscaped courtyard with greenery. The building is set  
22 back here, there's a small mechanical area that sits back,  
23 the terraces that I mentioned below. So starting to pull  
24 back from the neighbors.

25           And then as you move up, bay windows, steps

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1 back, and then at the fifth floor the lower piece over  
2 here is stopped and you'll see in the elevations how it's  
3 starting to step back.

4 We go up one more floor to the sixth floor  
5 and the lower wing of the building has started to terrace  
6 back to bring down the massing impact of that. And then  
7 when we go to the seventh floor there's significant  
8 setbacks about 6 feet all the way along 3<sup>rd</sup> Street, all  
9 the way along H Street. The wing over here has stopped  
10 and there's basically just the mechanical penthouse at  
11 the seventh level and then also a 6-foot terrace again  
12 along the alley and to the north to mitigate the impact  
13 of that massing.

14 And another area of relief is on the roof  
15 structures. We have one over here with our elevator core  
16 that previously kind of co-existed with this piece that  
17 occurred in that wing, but when we had to open up the space  
18 we had to pull it over and we didn't want to have a kind  
19 of funny connection so we broke them apart. So we  
20 anticipate three structures, the elevator core, a main  
21 mechanical one hiding some pieces of mechanical equipment  
22 and then the exit stair and then a smaller one with just  
23 a stair and stair pressurization.

24 The shaded area indicate the roof terracing  
25 for our residential recreation component. We thought it

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1 was best to place that along H Street and 3<sup>rd</sup> Street over  
2 where you get the views back toward the monumental core  
3 and also to pull it away from the adjacent residents.

4 The garage, just so you can understand, there  
5 was an earlier question, I believe at the set down, about  
6 the steepness of the ramp. We have got that ramp slope  
7 down. It comes in. The shopping patrons will continue  
8 on straight ahead, and then they will turn around and they  
9 will enter a big parking field for the grocery store.

10 The residents will fork off and go down a speed ramp,  
11 there will be an access control at that point, they will  
12 go down their own dedicated ramp to G-2 and G-3 for their  
13 own parking. Again, the shoppers come in,  
14 move around, there's kind of a parcel pickup area over  
15 here by the elevators and the stairs that will bring the  
16 patrons up to the store and then more parking all around.

17 This ramp up here represents the residents  
18 coming back up and exiting and then coming back out the  
19 ramp onto 3<sup>rd</sup> Street.

20 And just quickly in detail the other parking  
21 trays, you've come down, there's the residential parking,  
22 it does not extend all the way out the panhandle. Another  
23 ramp down to G-3 and then G-3.

24 Some sections of the building. This one  
25 running east-west parallel to H Street, you can see the

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two stories of retail, the three levels of below grade parking, the residential lobby, retail, retail, and then the residential starting low, coming up along that side, stepping back and then the six-story building going over and stepping back at the seventh and the eighth.

A section running from 3<sup>rd</sup> Street over to 4<sup>th</sup> Street, again the grocery store along the bottom. You can see the mezzanine in this case where it overlooks the main store, the landscape courtyard, and we anticipate putting some skylights in to let natural light into the grocery store.

The 6-foot setback, also the setbacks on the alley, the 10-foot setback, I believe it is, and then the 6-foot setback and another 6-foot setback along the alley pulling the massing of the building back.

This is a section running from H Street to Eye Street. One of the neighboring town houses on Eye Street, some of the existing buildings on H Street. You can see the building rising six stories to 70 feet, the 6-foot set back and then going up to the full 90. The penthouse structures. Back down in the courtyard, stepping down a little mechanical well and then stepping down and then the set back on the alley and then the neighbor's backyard.

And then the last section is cut at the very

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1 end through the panhandle of the building, the 1-G-1 level,  
2 the neighborhood retail at 18 feet approximately and then  
3 the residential up above.

4 To get into some of the elevations real  
5 quickly. This diagram shows the taper of the building,  
6 this is the existing Children's Museum building that's  
7 being renovated as part of the Senate Square, and also  
8 the new Senate Square buildings currently under  
9 construction at 110 feet, our building stepping down to  
10 90, then down to 70 again and then down across 4<sup>th</sup> Street  
11 to the existing context and some sketcher I'll get to later.

12  
13 Here at the top an H Street elevation. The  
14 existing zoning, the 65-foot line shown, the 70-foot being  
15 where the significant stepping occurs in the building.

16 The top of the eastern wing as well as the terraces along  
17 H Street. And then the 90-foot ultimate height of the  
18 building.

19 Also a view along Eye Street with the  
20 elevation with the existing townhouses, the back of the  
21 building with the courtyard in the back of the eastern  
22 wing.

23 And then just some images to kind of  
24 illustrate the points of the retail. The two-story retail  
25 we think's going to be very exciting. Existing store,

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1       albeit just a two-story building, but showing how the  
2       mezzanine works and it gives kind of a lot of drama to  
3       the front of the store as opposed to a lot of prototypes  
4       you might be familiar with.

5               And then two-story retail within the city  
6       where it gives a lot of nice character.

7               The eastern portion of the building will be  
8       animated with a series of bay fronts to give a nice kind  
9       of different texture to that portion of the building.

10              And then moving around to 3<sup>rd</sup> Street, the  
11       65-foot datum, then the ultimate 90-foot height of the  
12       building. The building steps down to about 50 feet here.

13       This is one of the things we worked with Capitol Hill  
14       Restoration Society is in kind of treating the end of the  
15       building with the garage ramp as a separate pavilion with  
16       a bay on it to kind of step down to the residential scale  
17       of the existing neighborhoods.

18              And then around on 4<sup>th</sup> Street the smaller  
19       70-foot portion with bay windows also and a retail bay  
20       at the bottom.

21              Some of the things we were looking at in  
22       designing the building, the GPO buildings over on North  
23       Capitol, the kind of industrial redbrick quality of them  
24       that we thought is very attractive and kind of accruing  
25       along the H Street, as well as the Railway Building on

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1 2<sup>nd</sup> Street, we kind of took some cues from those. And then  
2 a building that we've designed at 13<sup>th</sup> and U Street, very  
3 similar on condition, transitioning to existing historic  
4 row house fabric and then the new building here, same  
5 tactics we're employing along this with the building  
6 stepping down and then transitioning into row houses.

7 Wrapping up, a sketch of the building as  
8 you're coming across the bridge. The ultimate 90-foot  
9 height, the stepping at 70 along here with the balconies.

10 The cast stone base used at the corner to articulate the  
11 entry, a canopy wrapping around for the grocery store  
12 frontage. And then looking from the east, the existing  
13 fabric, the 70-foot wing with the step backs in it, a series  
14 of bay windows, the retail bays at the bottom and then  
15 the entry to the lobby articulated with a bay and kind  
16 of a tower feature that rises to the full 90-feet and then  
17 the 70-foot setback.

18 You are seeing a bit of the roof for the  
19 residential recreation space, and then the elevator  
20 penthouse over in that area.

21 In conclusion, the building we think will  
22 be very similar to this that we built at 13<sup>th</sup> and U that  
23 can blend in with the row house neighborhood and a  
24 mixed-use building brings vitality, kind of life to the  
25 street, café zones, the kind of things we really hope to

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1 do, bring grocery, mixed-use. Hopefully, the transit will  
2 be coming and animated streetscapes and café zones we think  
3 will really help to bring H Street along.

4 That concludes my testimony.

5 MR. GLASGOW: Thank you. For the next witness  
6 I'd like to have Mr. Marty Wells.

7 MR. WELLS: Good evening. I'm Marty Wells,  
8 president of Wells & Associates. We were retained by  
9 Steuart Investment Company to prepare a transportation  
10 impact study for this case.

11 Our original report is dated January 6, 2006.

12 It evaluated 232 residential dwelling units in a combined  
13 total of 71,515 square feet of grocery store and stores.

14  
15 We've prepared an addendum to that on April  
16 that included the same 232 residential units but a smaller  
17 grocery store and retail component, 69,093 square feet.

18  
19 The current program, as we understand it,  
20 still has the 232 residential units but it has 55,907  
21 square feet of grocery and retail stores.

22 Our study evaluated eight intersections,  
23 five projects that have been approved but not yet built,  
24 including of course Senate Square right across the street,  
25 and we took into account background traffic growth. If

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1 you have questions about that I'd be delighted to regale  
2 you with the details.

3 In terms of traffic counts, H Street during  
4 peak hours carries roughly 2,000 peak hour trips, Eye  
5 Street carries a modest 50 to 110 trips, 3<sup>rd</sup> Street carries  
6 roughly 450 peak hour trips, 4<sup>th</sup> Street is in the range  
7 of 350 to 375.

8 What we find is that by industry standards  
9 the intersections we evaluated they operate at acceptable  
10 levels of service, acceptable level of service D or better,  
11 during both peak hours.

12 In terms of the number of trips that this  
13 project would generate, we estimate that 232 residential  
14 units will generate about 50 to 59 peak hour trips. That's  
15 based on a 50 percent non-auto mode split which is  
16 consistent with the U.S. Census journey to work data.

17 The grocery store and retail component we  
18 estimated for the larger program about 133 a.m. peak hour  
19 trips, 326 p.m. peak hour trips. The derivation of that  
20 deserves some mention. We used a non-auto mode split of  
21 60 percent for the commercial component. That is a factor  
22 we use to appropriately adjust the industry standards ITE,  
23 Institute of Transportation Engineers, trip generation  
24 rates for suburban grocery stores; we use this factor to  
25 adjust the suburban data to the details or the specifics

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1 of this urban location.

2 That factor is in fact consistent with the  
3 number of parking spaces that will be provided here and  
4 it is consistent with the ITE trip generation rates per  
5 occupied parking space.

6 So the residents and the commercial component  
7 together would generate about 183 to 385 peak hour trips.

8 These trips can be accommodated at an acceptable level  
9 of service, D or better, at all of the intersections we  
10 evaluated with the provision that the green time at the  
11 intersection of 3<sup>rd</sup> and H be adjusted so 3<sup>rd</sup> Street gets  
12 about ten more seconds than it gets today. In other words,  
13 take some green time from H Street, which operates at level  
14 of service A or B, and reallocate it to 3<sup>rd</sup> Street given  
15 the higher side street traffic volumes. DDOT noted that  
16 in their report.

17 Regarding parking, in the C-2-B zone in which  
18 this project is located, the residential units would  
19 require one space for every three units or 78 spaces for  
20 232 units. In fact, 254 spaces will be provided, so more  
21 than three times the required parking will be provided  
22 for the residential units.

23 For the grocery store and retail, the  
24 requirement is one space for every 750 square feet above  
25 3,000 square feet. So for 55,907 square feet, 71 parking

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spaces would be required; in fact, 121 parking spaces will be provided and they will be used exclusively for the grocery store, so the parking ratio is 2.7 spaces per 1,000 square feet of grocery store.

This is consistent with the ITE or Institute of Transportation Engineers parking generation rate for urban supermarkets. It also meets the market-driven demands predicted by at least one potential grocer here, namely Harris Teeter.

With regard to loading, we can go into the details if you like but the code requirements for the residential use is being met, for the 55-foot deep berth, the 200 square foot loading berth and the 20-foot deep service/delivery space, those are being provided as Mr. Walters indicated in the alley off of 4<sup>th</sup> Street.

The grocery store will provide two 55-foot deep loading berths, the code requirement is for one 30-foot berth and one 55-foot berth. Two loading platforms of 200 square feet will be provided, the code requirement is one at 100 square feet and one at 200 square feet and, again, the one 20-foot deep service/delivery space that is being provided also. Mr. Walters described the changes to the alley system. I won't repeat those changes, but I concluded from our review that the proposed development will have acceptable traffic impacts,

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1 it will adequately serve the proposed number of parking  
2 spaces and loading docks and the proposed revisions to  
3 the public alley system will allow this project to be built  
4 and will better serve the neighboring properties. And  
5 I'm pleased to report that DDOT has reviewed our work and  
6 has no objections to this project. Thank you.

7 MR. GLASGOW: The next witness I'd like to  
8 call Mr. Steven Suer.

9 MR. SUER: Good evening Madam Chairman and  
10 Members of the Commission. For the record my name is Steven  
11 E. Suer, the director of zoning and law services with the  
12 law firm of Holland & Knight. Unaccustomed to having this  
13 much time I'll talk more slowly than usual -- no, I won't  
14 do that either.

15 Let me just go quickly through what we will  
16 be provided by the staff. We have a site about 61,000  
17 square feet, it's all vacant at the moment. Approximately  
18 9,000 square feet of that site is zoned C-2-A and  
19 approximately 52,000 square feet is currently zoned C-2-B.

20 What we're proposing is that the entire site be zoned  
21 C-2-B.

22 When the Commission adopted the H Street  
23 neighborhood commercial overlay district earlier this  
24 year, it left that northeast corner C-2-A. I've been  
25 through the record in that case fairly extensively and

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1 as far as I can tell, that was inadvertent. The  
2 advertisement for the change of zoning advertised lots  
3 fronting on H Street, so when you look at the lot  
4 configuration, the lots that are west of the north-south  
5 alley that both Mr. Steuart and Mr. Walters talked about  
6 before, extend all the way back to the north end of the  
7 site, so they were zoned C-2-B in their entirety.

8 The eight lots that were separated from the  
9 rest of the lots because of that alley configuration on  
10 the eastern side of the site, didn't front on H Street  
11 and therefore in the judgment of the Office of Attorney  
12 General, were not advertised for rezoning.

13 I could not find any evidence that either  
14 the Office of Planning or the Zoning Commission intended  
15 to leave the alley lots in a different zoning configuration  
16 than the remainder of the property. Again, 85 percent  
17 of the site is already C-2-B and we are requesting rezoning  
18 to put the entire site in that category.

19 In terms of compliance with the PUD standards,  
20 this is Roman numeral VIII on page 8 of the outline, the  
21 Commission is required to determine that the impact of  
22 the project shall be favorable, capable of being mitigated  
23 or acceptable, and we believe that replacing a vacant site  
24 with a full service grocery store and approximately 230  
25 new residential units in compliance with the H Street

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1 strategic development plan is clearly favorable to the  
2 District of Columbia. Mr. Walters has described the  
3 height and I'd like to dwell for a moment on the context  
4 of that height. Clearly, the project to the west of ths,  
5 the Senate Square project, was approved by the Commission  
6 as a PUD, that's at a maximum height of 110 feet recognizing  
7 that a portion of that site was an historic building that  
8 was preserved at a lower height, but the ultimate height  
9 there is 110 feet, our ultimate height is 90 feet, stepping  
10 down to 70 feet on the eastern end then going across 4<sup>th</sup>  
11 Street to the lower heights further to the east along H  
12 Street.

13 Mr. Wells has talked about traffic. Mr. Smart  
14 in his report has talked about the favorable economic  
15 benefits that will result.

16 When I look at this project, and the way I  
17 think you ought to look at this project, it can be fairly  
18 simple. What the city gets out of this is a full service  
19 grocery store and approximately 230, the range is 210 to  
20 250, apartment units of which about 10,000 square feet  
21 would be affordable units.

22 What the city approves in the way of  
23 development incentives are an extra 25 feet in height,  
24 as Mr. Walters went through the plan and described where  
25 that is, stepping down as it does to the north and to the

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1 east, we get an increase in residential density of about  
2 100,000 square feet and we have a decrease in commercial  
3 density of about 30,000 square feet. So there's a tradeoff  
4 there; the Commission authorized up to one-and-a-half FAR  
5 for a site including a grocery store, we're not using  
6 all that one-and-a-half FAR.

7 Mr. Walters talked about some of the areas  
8 where the plan does not meet all of the specific  
9 requirements of either the C-2-B district or the H Street  
10 overlay, and let me just run through those real quickly  
11 again.

12 On lot occupancy, 80 percent is permitted.

13 At the second floor level where you have the upper story  
14 of the grocery store space and where we have some  
15 residential units fronting on the alley and on the eastern  
16 end of the site we're at 82 percent lot occupancy. But  
17 on the third floor and on all subsequent higher floors,  
18 we're at 68 percent or less. So on that second floor we're  
19 2 percent over the lot occupancy and that's really a  
20 function of the height of the grocery store.

21 Residential rec space we're at 10.1 percent  
22 instead of 15 percent. On the roof structure we have three  
23 penthouses, we have setbacks on the main elevator  
24 penthouse which Mr. Walters demonstrated before, and we  
25 have one situation where we have walls of unequal height.

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1  
2           On the H Street overlay criteria we're  
3 required to have 75 percent of the street wall along the  
4 H Street property line, we've set the whole building back  
5 4 feet to widen the sidewalk there and, again, if you look  
6 at the civil drawings you see that the curb is not uniform  
7 along that block. It pinches out or back depending on  
8 which way you want to go. So essentially what we've done  
9 is to provide a wider sidewalk there by that setback but  
10 still maintaining the street wall along that north side  
11 of H Street.

12           And then with respect to the requirement for  
13 building entrances, we're required to have one every 40  
14 feet which would be eight and what we have is five, and  
15 basically the function there is because the grocery store  
16 wants only one entrance for inventory control and  
17 locations of cash registers and stuff like that regardless  
18 of who the tenant is. They don't want to have multiple  
19 entrances along the street so you've got that whole  
20 frontage that's basically one entrance and you've got the  
21 residential entrance and three entrances to the other  
22 retail located to the east.

23           We've looked at the comprehensive plan and  
24 I think there are ample policies in the plan that support  
25 what this project is about.

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1 I want to spend 30 seconds of my remaining  
2 47 on the H Street strategic development plan, this is  
3 page 17 Roman numeral X. The site is part of the Western  
4 Gateway urban living subdistrict, the plan actually  
5 contemplated or through about the fact that BP was going  
6 to pursue its gas station/convenience store on the site  
7 but, failing that, noted that a six to eight story  
8 residential building accommodating retail uses on the  
9 ground floor would be an appropriate development on this  
10 site, and that's exactly what's happening here.

11 In conclusion, I believe that the project  
12 is not inconsistent with the comprehensive plan, meets  
13 the standards of the PUD regulations, provides an  
14 appropriate balance between development incentives  
15 requested and the benefits and amenities offered to the  
16 city and should be approved. Doggone it, I've got five  
17 seconds left. I wasted time.

18 CHAIRPERSON MITTEN: Thank you. Anything  
19 else?

20 MR. GLASGOW: That concludes our direct  
21 presentation.

22 CHAIRPERSON MITTEN: Thank you. Questions  
23 from the Commission? Mr. Jeffries?

24 COMMISSIONER JEFFRIES: I'm curious, first  
25 of all I'd like to say I thought this presentation, the

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1 physical presentation here as well as the verbal was quite  
2 informative and there's lots of information to chew on  
3 here.

4 I have a question about the grocery stores.  
5 What did Whole Foods at P Street or Harris Teeter at like  
6 17<sup>th</sup> Street, was any of the parking tied to those  
7 developments, those grocery stores, subsidized by the  
8 District? Do you know? Does anyone know?

9 MR. GLASGOW: The parking for the Harris  
10 Teeter on Kalorama was not, because we had an existing  
11 building that had parking in it.

12 COMMISSIONER JEFFRIES: Parking? Okay.

13 MR. GLASGOW: That's how we were able to  
14 make that come together, the Citadel.

15 COMMISSIONER JEFFRIES: The Citadel, right.

16  
17 MR. GLASGOW: Yes. So we had existing parking  
18 in it so we didn't have to wrestle with that problem in  
19 that way. And we had enough parking that they were  
20 satisfied with the number of spaces that were being  
21 provided for the square footage for the facility.

22 COMMISSIONER JEFFRIES: Good. And then Whole  
23 Foods? Probably getting back a little bit.

24 MR. GLASGOW: Yes, it's going back a little  
25 bit. I worked on that some.

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1 MR. STEUART: If I can interrupt, wasn't  
2 that at one time an old car dealership?

3 MR. GLASGOW: And they could put parking  
4 on the roof.

5 MR. STEUART: And internal ramps to  
6 accommodate parking.

7 MR. GLASGOW: So they didn't have below grade  
8 parking, they were able to park --

9 COMMISSIONER JEFFRIES: Well there is some  
10 below grade parking but just one level.

11 MR. GLASGOW: Right. But they had parking,  
12 a significant amount of parking on the roof. We did some  
13 legislation on Whole Foods but it was different than what  
14 we did for the Harris Teeter at Pennsylvania and Potomac  
15 Avenue.

16 COMMISSIONER JEFFRIES: I thought at one  
17 point that the District, I think it was through the deputy  
18 mayor's Office of Planning and Economic Development, there  
19 was some subsidy or something, I don't know if it's still  
20 in place.

21 MR. GLASGOW: Right. They had the tax  
22 abatement program --

23 COMMISSIONER JEFFRIES: Yes, that's it,  
24 the tax abatement.

25 MR. GLASGOW: Okay. That was part of the

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1 legislation that we did. We also got them an ABC, that  
2 was the first one to have the grocery store that could  
3 have their own ABC license, which was all part of a package  
4 to get it so the Whole Foods could go in that facility.

5 COMMISSIONER JEFFRIES: Okay. Well I'm just  
6 asking the question as it relates to the affordable housing  
7 piece and sort of the question about providing a little  
8 bit more relief on that aspect of the proffer. So I have  
9 some other questions but I'll wait for the --

10 And then the industrial warehouse design,  
11 let's look at it. What was the driver for that? That's  
12 how I looked at it, particularly the design you had  
13 previously. It looks very sort of industrial warehouse.

14 What was the driver behind that type of what I thought  
15 was design?

16 MR. WALTERS: Well, it was looking for cues  
17 of buildings in the neighborhood and the pattern or the  
18 printing office and the railway building kind of clued  
19 us in.

20 The first design showed kind of more of an  
21 industrial window and then when we were going through the  
22 refinements with CHRS we combed it down and went with more  
23 double hung windows to kind of make it a little softer  
24 a look on the building.

25 COMMISSIONER JEFFRIES: Okay. And then my

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1 last question, you talked about Mr. Walters the setbacks  
2 that were at the buildings that were part of the project  
3 that sort of step back a bit at the upper levels to provide  
4 some level of sensitivity to some of their neighboring  
5 row houses. How much setback are we talking about there?

6 And it didn't seem to be that readily apparent, looking  
7 at your volumetrics within your presentation here, but  
8 it seemed to be a little clearer in the plans.

9 MR. WALTERS: I would suggest you go to  
10 sheet AO-8, the roof plan with the dimensions, that's the  
11 easiest one to kind of understand that setbacks.

12 COMMISSIONER JEFFRIES: AO-8? Okay, here  
13 we go.

14 MR. WALTERS: Starting over at 3<sup>rd</sup> Street  
15 you can see a dimension of 31 feet 3 inches from the  
16 property line, so that would be the dimension or setback  
17 from the neighboring row house ultimately that we pulled  
18 back.

19 And then as you go back within the alley  
20 you'll see a 38-foot setback as you go towards the west,  
21 and then when the alley jogs it goes to a 35-foot setback  
22 from the property line. And then you turn around the corner  
23 -- I'm sorry, I don't have that. Now let's see 25 feet,  
24 no I'm sorry, 27 feet parallel to 4<sup>th</sup> Street, the building's  
25 ultimately setback and then on the alley coming off of

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1 4<sup>th</sup> Street it is actually going to the main roof there's  
2 20 feet 4 inches the setback.

3 COMMISSIONER JEFFRIES: Okay. But those  
4 are at -- I mean let's just look at the 4<sup>th</sup> Street behind  
5 4<sup>th</sup> Street, N.E. you have 35-feet from the property line  
6 of the row houses to the building but that's at the very  
7 top, correct?

8 MR. WALTERS: That's at the very top yes.  
9 If you wanted to start at the ground plan okay the first  
10 12 feet would be the alley, the alley supplement, so that  
11 gets you to 20 feet on the alley. Okay?

12 COMMISSIONER JEFFRIES: Right.

13 MR. WALTERS: Then the building would rise  
14 up approximately 20 feet for the height of the grocery  
15 store there. And then when you get to the top of the grocery  
16 store it sets back an additional 7 feet at the second floor,  
17 so there's a terrace there and then it would rise up five  
18 more floors to the top of the sixth and it steps back  
19 another 8 feet on the terrace there.

20 COMMISSIONER JEFFRIES: You know, actually,  
21 I'm certain you have it here because you have everything  
22 here, is there a building section cut right through there.  
23 Let's see, that could be probably more helpful to me.

24  
25 MR. WALTERS: This is the situation we just

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1 were describing.

2 COMMISSIONER JEFFRIES: What page is that?

3

4 MR. WALTERS: That is on page A-11 at the  
5 very bottom. That's the section that runs to the east-west.

6 There's the former Children's Museum 3<sup>rd</sup> Street, so the  
7 property line, the garage extends to the property line  
8 and we're setting back I believe it was 8 feet because  
9 we had an existing 12 foot alley, gets us to 20. And  
10 then we step back 7 feet at this terrace and then another  
11 8 feet at the top on the top two floors.

12 COMMISSIONER JEFFRIES: Okay. Thank you.

13 Thank you very much.

14 CHAIRPERSON MITTEN: Anyone else? Mr.  
15 Turnbull?

16 You can't ask questions now. You get to  
17 testify later but this is not an open forum. Thank you.

18

19 COMMISSIONER TURNBULL: Thank you Madam  
20 Chairman. I just had a question for Mr. Walters. On the  
21 3<sup>rd</sup> and H Street perspective here, the view, I see on the  
22 roof it sort of shows that you have some trees. But when  
23 I'm looking on the roof plan on AO-8 I don't really see  
24 any -- it looks I see pavers in that color but I don't  
25 see any, is there a green roof? What are you planning

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1 up there then

2 MR. WALTERS: The actual green roof would  
3 be in the courtyard at the third floor over in the roof  
4 of the Safeway.

5 COMMISSIONER TURNBULL: Okay. I noted that.

6 MR. WALTERS: Okay. The roof terrace, what  
7 we're anticipating and we just patched pavers in but  
8 probably having plants in, like smaller trees and planters  
9 on the roof to provide some shade for occupants of the  
10 roof.

11 COMMISSIONER TURNBULL: How substantial are  
12 these?

13 MR. WALTERS: They would probably be  
14 something that would be about 3-feet deep and they'd  
15 probably be at least 4 feet x 4 feet and planted with kind  
16 of a smaller ornamental tree.

17 COMMISSIONER TURNBULL: Okay. Thank you.

18 On 3<sup>rd</sup> Street on the ground floor you show this little  
19 outdoor café and I'm just curious. It looks like one  
20 portion of it -- now will that be operated then by the  
21 grocery store?

22 MR. WALTERS: That's our intent, yes sir.  
23 To provide that --

24 CHAIRPERSON MITTEN: You need to be on the  
25 microphone. Did you turn your mike off?

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1                   MR. WALTERS:     Sorry.    It's our intent to  
2     provide that opportunity for the grocery to animate that  
3     section of the 3<sup>rd</sup> Street corner, yes.

4                   COMMISSIONER TURNBULL:   Okay.  It looks like  
5     there is a glass or I'm looking, it's like some kind of  
6     a permanent roof or something, enclosure?  There's  
7     something on the side there.  I see tables and chairs and  
8     then I see little rectangles which would imply some kind  
9     of an overhang?

10                  MR. WALTERS:    I'm sorry.  I didn't mention  
11     that in my presentation.  When we were going through the  
12     refinements with CHRS and Stanton Park we derived a pattern  
13     of a series of retail bays over there to help scale the  
14     facade.  And let me get to that drawing and hopefully  
15     that'll help illustrate the point.  Okay.  Here.  If you  
16     can make it out, here that would be one of the bays, then  
17     they're subdivided in the middle and then another bay.

18  
19                  And one of the things we were trying to do  
20     was we had to confront the issue of this loading dock door  
21     which is, you know, it is large to accommodate the trucks,  
22     and were struggling with having things that we're  
23     proportionally familiar with so we created the bays that  
24     jumped across two residential bays, that gave a nice  
25     proportion and helped set up that line for the door as

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1 well as animate and bring some scale to the storefronts  
2 there.

3 So that's intended as retail storefront bays,  
4 and those would be projections into public right of way.

5  
6 COMMISSIONER TURNBULL: But there's also  
7 it looks like there's like a glass canopy that comes out.

8 Am I reading that right?

9 COMMISSIONER TURNBULL: No, they would stop  
10 at about 15 feet at the top. Now are you speaking about  
11 the canopy that wraps around the corner?

12 COMMISSIONER TURNBULL: I'm just looking  
13 on drawing AO-1. I see a clearly defined seating area  
14 for tables and chairs. And I'm just looking at these  
15 rectangles which would imply --

16 MR. WALTERS: Oh okay. Those are the  
17 transformers vaults. Those are the transformer vaults  
18 in the sidewalk.

19 COMMISSIONER TURNBULL: Oh they are? Okay.  
20 It sort of looked like you had this wonderful like little  
21 glass roof structure over there.

22 MR. WALTERS: I wish they were.

23 COMMISSIONER TURNBULL: That sounds kind  
24 of nice. Okay. I guess my other question then is in  
25 the garage with the parking do people take their carts

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1 down to that level and then they can take them into the  
2 lot? You mentioned a pickup area so are you limited then?

3 They don't take them out into the parking lot per se then?

4 MR. STEUART: The way the customers would  
5 navigate into the store, there would be escalators,  
6 elevators, as well as cart-o-lator which would allow the  
7 customers to load their sundries into a grocery cart and,  
8 concurrently, walk or ride the escalator down at the same  
9 speed as the cart-o-lator so you and your groceries arrive  
10 at the P-1 level at the same time never having taken your  
11 eyes off of it. And then you can take it out in the parking  
12 plat to load up your car.

13 MR. WALTERS: Additionally, you could use  
14 the elevators too if you weren't as adventuresome.

15 COMMISSIONER TURNBULL: Okay. All right.

16 Thank you. The development's coming along quite nicely.

17 I think it's amazing you got three levels of underground  
18 parking. I won't go any further on that one. It's very  
19 nice how you did that.

20 CHAIRPERSON MITTEN: Mr. Hood?

21 VICE CHAIRPERSON HOOD: You said underground  
22 parking?

23 CHAIRPERSON MITTEN: I think he said three  
24 levels.

25 VICE CHAIRPERSON HOOD: Three levels. I

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1 have a question for Mr. Wells. I want to talk a little  
2 bit about traffic. I'm big on traffic, especially as I  
3 sit in it quite a bit.

4 Let me make sure I got my orientation correct,  
5 I'm usually off, but let me see if I've got this one right.  
6 H Street's running east to west, correct?

7 MR. WELLS: Yes sir.

8 VICE CHAIRPERSON HOOD: Okay. Third Street's  
9 running north to south, right?

10 MR. WELLS: Yes sir.

11 VICE CHAIRPERSON HOOD: I'm coming east on  
12 H Street, coming across the hill and coming down and I'm  
13 getting ready to make a left onto 3<sup>rd</sup> Street, is there a  
14 left hand turn signal there at this point?

15 MR. WELLS: There's what we call a leading  
16 left. In other words, the westbound traffic on H Street  
17 is stopped for 12 seconds to allow you to make the left  
18 turn.

19 VICE CHAIRPERSON HOOD: Oh so it is an arrow  
20 that's what I'm used to, leading left. That's good to  
21 know.

22 MR. WELLS: Correct.

23 VICE CHAIRPERSON HOOD: Leading left. Okay.  
24 Now let's go on 3<sup>rd</sup> Street, so that answers my question  
25 because you did mention in your testimony there's going

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1 to be a ten second, you're going to take ten seconds away  
2 from H Street's traffic to allow ten additional seconds  
3 to --

4 MR. WELLS: It's a reallocation issue. It  
5 takes 100 seconds to go from red to green to yellow back  
6 to red again, a cycle length is 100 seconds. Right now  
7 3<sup>rd</sup> Street gets 29 of those seconds, I'd like to see it  
8 get 39 of those seconds. So the majority of green time  
9 would still be allocated to H Street.

10 VICE CHAIRPERSON HOOD: Right.

11 MR. WELLS: And this is taking into account  
12 the traffic that would be generated by this project, the  
13 Children's Museum and several other projects.

14 VICE CHAIRPERSON HOOD: So with that  
15 reallocation, that will help not to have a back up I believe  
16 on 3<sup>rd</sup> Street, am I right?

17 MR. WELLS: Yes sir.

18 VICE CHAIRPERSON HOOD: And if I'm coming  
19 southbound on 3<sup>rd</sup> Street and I'm making a left I guess into  
20 the ramp, if I'm making a left into the ramp, you don't  
21 anticipate, I'm trying to think. If I'm going northbound  
22 we should not have a delay of someone trying to make a  
23 left?

24 MR. WELLS: The lion's share of the traffic  
25 in this area, I think this is common knowledge that the

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1 lion's share of the traffic is on H Street, roughly 2,000  
2 peak hour trips. And I believe I testified that on H Street  
3 there's a more modest 400, 450 or so peak hour trips.

4

5 MR. GLASGOW: 3<sup>rd</sup> Street.

6 MR. WELLS: 3<sup>rd</sup> Street. Excuse me. 3<sup>rd</sup> Street  
7 carries roughly 400, 450 peak hour trips compared to 2,000  
8 on H.

9 VICE CHAIRPERSON HOOD: So is it your  
10 testimony, Mr. Wells, that it's not a concern of a back  
11 up on northbound on 3<sup>rd</sup> Street which would cause a problem  
12 for people who are going southbound on 3<sup>rd</sup> Street to make  
13 a left into the project?

14 MR. WELLS: No sir, I don't believe there  
15 will be a problem.

16 VICE CHAIRPERSON HOOD: Okay. The other  
17 thing is the LSDBEs and I haven't been on this in a while,  
18 I'm surprised. The LSDBEs and the DOES agreements that  
19 you enter into, and maybe this is to Mr. Glasgow or to  
20 Mr. Steuart. But my question is have we already provided  
21 some of those jobs that may be looking to in that 51 percent  
22 already to the community or working with the Department  
23 of Employment Services? Have they already been provided  
24 that advance list of what may take place within that 51  
25 percent? And also the LSDBEs. Or are we just waiting

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1 for the agreement and then come up at a later game and  
2 say we don't have anyone qualify?

3 MR. GLASGOW: Well, the way that we have  
4 normally done that with them is we negotiate the agreement  
5 and then we need to know that we have a project to go forward  
6 with to implement the agreement.

7 And in the past in some projects what we've  
8 done is when we know a project is coming on line, we can  
9 always coordinate with the ANC, you know, and get back  
10 with them and see what job banks they have. Some ANCs  
11 have job banks, some don't.

12 VICE CHAIRPERSON HOOD: Okay. And I don't  
13 know if it's been any cases that you've handled, Mr.  
14 Glasgow, I've always asked it and I've been just asking  
15 that the applicant kind of give as much notice as possible  
16 -- those jobs, the LSDBEs and the DOESs because what has  
17 happened in the past, and I haven't been asked this in  
18 a couple of months, what's happened in the past we wait  
19 till the last minute and then we have nobody qualified  
20 and the project's ready to move forward and there has not  
21 been a pool of resources collected by DOES or the LSDBEs  
22 to make sure that the citizens and the residents of the  
23 District of Columbia be able to participate. All I can  
24 do is ask, as soon as you can, make sure we get that list  
25 out there.

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1 MR. GLASGOW: We can move forward on that.

2

3 VICE CHAIRPERSON HOOD: Okay. Good. All  
4 right thank you Madam Chair.

5 CHAIRPERSON MITTEN: Thank you, Mr. Hood.  
6 Mr. Parsons?

7 COMMISSIONER PARSONS: Mr. Wells, Mr.  
8 Steuart, are you familiar with a report of the Department  
9 of Transportation dated June 28?

10 MR. WELLS: Yes sir.

11 COMMISSIONER PARSONS: So what they're  
12 recommending is a reduction in the number of parking spaces  
13 in the garage for grocery store use. And I'm hoping that  
14 you could, not that that's their purview, but saying that  
15 maybe these less parking spaces being less costly could  
16 be used to subsidize more low income housing. Have you  
17 got any response to that?

18 MR. STEUART: I noted that to the grocery  
19 store tenant today, reciting some of that report. And  
20 the response from him was that may be well and good, we  
21 don't know for certain. However, this store relative to  
22 their prototypical stores is already on the cusp of parking  
23 necessities. Reducing the parking level, they think,  
24 would make the project untenable for them.

25 COMMISSIONER PARSONS: Well, that's pretty

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1 clear isn't it? So if they don't use the parking spaces  
2 we could make housing units? No, I'm kidding.

3 MR. STEUART: It sounds good in theory,  
4 Commissioner, but a grocery store won't come to the site.

5  
6 COMMISSIONER PARSONS: Thank you.

7 CHAIRPERSON MITTEN: I just had a few  
8 questions. Mr. Glasgow, what was the amount of the subsidy  
9 for the grocery store on Pennsylvania Avenue, S.E.?

10 MR. GLASGOW: The amount of the tax abatement,  
11 the subsidy that we got from the government, was a little  
12 bit in excess of \$3 million dollars.

13 CHAIRPERSON MITTEN: And is the store  
14 approximately the same size as this one?

15 MR. GLASGOW: That store was I think is  
16 slightly smaller than this store. And it had, well only  
17 two levels of parking versus three, and the number of  
18 spaces, what I did is when I went back to take a look at  
19 that because I assumed somebody would ask the question,  
20 the cost of the parking spaces back then was about \$20,000  
21 to \$25,000 dollars. That was about three years ago that  
22 we did that. And the cost of the parking spaces right  
23 now pretty much any below grade parking space that we're  
24 having price right now is about \$35,000 dollars a space.

25 So when you start going to apples to apples

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1 to the cost of the space, it's about the same. We looked  
2 at about a \$3 million dollar subsidy in the one case and  
3 this one we're looking at a subsidy of over \$4 million  
4 dollars. And a lot of that's just eaten up by the  
5 construction cost.

6 CHAIRPERSON MITTEN: Okay. In the submission  
7 that we got, I guess this one was on the 28<sup>th</sup> April, it  
8 said that you'd commissioned an economic consultant, which  
9 I assume is Mr. Smart, to perform further study on the  
10 burden of the grocery store to the project as a whole.

11 We don't have much in the record, and it's not something  
12 that I want to go into a lot of detail here, but if there  
13 was something, an additional submission on it about what  
14 that analysis really entailed, I think that might be  
15 helpful.

16 MR. GLASGOW: Yes, we have that submission.

17 We have that analysis.

18 CHAIRPERSON MITTEN: Okay. If you could  
19 submit that for the record, that would be helpful.

20 MR. GLASGOW: Yes, we'll submit that for  
21 the record.

22 CHAIRPERSON MITTEN: This is for Mr. Walters  
23 a couple of questions for Mr. Walters. You noted when  
24 you were describing the building that there will be a  
25 garage air intake that's immediately adjacent to the

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1 townhouse, the southernmost townhouse that abuts the  
2 property on 3<sup>rd</sup> Street. What's the sound volume when the  
3 air intake, I assume there's a fan. What kind of volume  
4 is that?

5 MR. WALTERS: Those fans can be placed down  
6 in the garage so they're pulling air down as opposed to  
7 at the top and pushing it, so the noise level should be  
8 minimal if anything.

9 CHAIRPERSON MITTEN: The sound is buffered?  
10

11 MR. WALTERS: We could engage consultants  
12 just to verify that it wouldn't exceed so many decibels  
13 at the --

14 CHAIRPERSON MITTEN: My main concern is that  
15 often, you know, you just pass by a garage entrance or  
16 something and there'll be one of those fans and they can  
17 be quite loud when they're on.

18 MR. WALTERS: It's typically the exhaust  
19 is the one that you tend to notice.

20 CHAIRPERSON MITTEN: I see. Okay, where's  
21 that?

22 MR. WALTERS: Actually, that's something  
23 we worked very hard on. It's in the middle of the building,  
24 that rectangle, so that goes up and resides in the  
25 penthouse. Or I'm sorry, it resides in the lower penthouse.

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1       It terminates right there so the blow out on the roof  
2       --

3                   CHAIRPERSON MITTEN:       Okay, so it's the  
4       exhaust one that makes most of the noise. Okay. The  
5       loading area for the residential portion of the building  
6       and then the three small retail stores is immediately  
7       adjacent to the townhouse that's on 4<sup>th</sup> Street and I guess  
8       I'm just wondering, that's at least initially and then  
9       depending on the amount of turnover that will be in the  
10      residential units and the number of deliveries that may  
11      be to those retailers, that just strikes me as a lot of  
12      impact on that short section of alley immediately adjacent  
13      to someone's house.

14                   I don't know if you've thought at all about  
15      how to mitigate the impact on that property owner?

16                   MR. WALTERS:   Well we have pulled the alley  
17      back, we've pulled it back the other 12 feet so there's  
18      a 20 foot buffer to the building. Also, one thing you  
19      may not have made out, the building actually cantilevers,  
20      that's the line of the building above and the spaces, just  
21      given the kind of geometric constraints, the trucks  
22      actually kind of half come under that overhang so they  
23      are somewhat mitigated by being sheltered by the building.

24

25                   There's one of the sections that shows how

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1 the building kind of comes in and goes over the loading  
2 areas, it covers --

3 CHAIRPERSON MITTEN: I guess what I'm  
4 thinking about is, you know, when the trucks are I don't  
5 know how they go in, I guess they go in head first?

6 MR. WALTERS: Actually, they would probably  
7 have to back, a larger truck would have to back in and  
8 then work into --

9 CHAIRPERSON MITTEN: Yes, that's the kind  
10 of thing that's annoying to somebody if they have to hear  
11 that a lot. So I'm just, you know, my main concerns,  
12 the only negative comments we have in the record relate  
13 to the juxtaposition of this development with these  
14 townhouses, and I'm trying to focus on those areas where  
15 there's going to be the greatest impact.

16 So I would just ask if you could give any  
17 additional consideration to how that might be mitigated  
18 because that strikes me as something that could be quite  
19 offensive to someone.

20 MR. WALTERS: One thing is we've designed  
21 it and showed a full size 55 foot truck, and indeed we  
22 have the capacity for it, but as you know at the first  
23 of the month when you see people moving around the city  
24 it typically occurs in much smaller trucks than 30-foot  
25 trucks that aren't quite as offensive. So we had to build

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1 in the capacity for 55 but probably in fact a significant  
2 of the move-ins would be occurring in smaller vehicles.

3 CHAIRPERSON MITTEN: But they'd still be  
4 backing the trucks up, right?

5 MR. WALTERS: Yes.

6 CHAIRPERSON MITTEN: Okay.

7 MR. WALTERS: Well I'm sorry, actually a  
8 smaller truck could probably come in head in. If it was  
9 a smaller truck it could come in head in, it could make  
10 the turn and get into the loading dock.

11 CHAIRPERSON MITTEN: Okay. I mean just in  
12 some other cases when we've had issues related to sizes  
13 of trucks and so on, there have been proffers of limiting  
14 the size of trucks that can use the loading and so I'd  
15 ask you all to give that some consideration if in fact  
16 those kinds of trucks could go in and out head first.  
17 I'm just trying to think of things that can be done to  
18 mitigate that.

19 And then I was just hoping we could get a  
20 couple of, just to give us some perspective on what DDOT's  
21 suggestion was and just the way the parking for the  
22 supermarket would be, you know, the adequacy of it.  
23 There's at least a couple of stores that I'm familiar with  
24 and I have a sense of what it's like to be at maximum  
25 capacity for the number of parking spaces there, so would

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1 it be possible for you to just give us some examples?

2

3 And the one I'm interested in is the Whole  
4 Foods on P Street because that's the one I'm most familiar  
5 with. But to say here's how big the store is and here's  
6 how many parking spaces they have, so that we just get  
7 a sense of this is what's working around the city and how  
8 this relates to that.

9 MR. WELLS: If I might, ITE or Institute  
10 of Transportation Engineers, is a very important industry  
11 standard for us. ITE distinguishes between suburban  
12 supermarkets, they don't call them grocery stores, ITE  
13 chooses to call them supermarkets, suburban supermarkets  
14 and urban supermarkets.

15 MR. STEUART: Get the mike closer to you.

16 MR. WELLS: ITE in their data base suggest  
17 for urban supermarkets that the parking ratio, the average  
18 parking ratio, that is to say the peak number of space  
19 that would be occupied during the peak time, would be about  
20 2.27 spaces per 1,000 square feet. By a remarkable  
21 coincidence, that's exactly the parking ratio here, 121  
22 parking spaces for a 53,300 square foot store. So that  
23 may give you some comfort -- it does me -- that for an  
24 average at least industry standard urban supermarket we're  
25 parked at about the industry average.

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1                   CHAIRPERSON MITTEN:    You know, it gives me  
2                   some comfort but there's also something that I believe  
3                   about urban grocery stores which is, that as opposed to  
4                   what goes on in the suburbs there's many more people  
5                   working and I think there's maybe more people in the  
6                   suburbs that don't work and I'm sure it peaks at rush hours  
7                   and stuff, but I bet it's a flatter bell curve.    I don't  
8                   know.    So I'd still be interested in those numbers.

9                   MR. WELLS:    Very fine.    We'll provide you  
10                  with information.

11                  CHAIRPERSON MITTEN:    Thanks.    Okay. I think  
12                  that's all the questions that I have then.   Mr. Jeffries?

13  
14                  COMMISSIONER JEFFRIES:    Just one question  
15                  for Mr. Walters.    I look at your perspective A-20 and I  
16                  believe you put a slide up for the Ellington, did you put  
17                  a slide up for the Ellington

18                  MR. WALTERS:    Yes.

19                  COMMISSIONER JEFFRIES:    So was that, mean  
20                  it really looks sort of like the Ellington quire frankly  
21                  I mean in terms of how it sits in the context here.   The  
22                  brick that you cite in your submission, is that the similar  
23                  brick that's at the   Ellington?

24                  MR. WALTERS:    No, because unfortunately that  
25                  brick's not available any more.   The manufacturers went

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1 out. But the blonde brick on the eastern portion of the  
2 building, my colleague told us is somewhat similar in  
3 character and then the red brick is, actually that brick  
4 is very similar to what we used on the smaller portion  
5 of the Ellington.

6 COMMISSIONER JEFFRIES: I mean if one were  
7 to go and look at the Ellington, it might give, would you  
8 say it might give some insight as to how this will look?  
9 Because it's the same height isn't it, pretty much?

10 MR. WALTERS: That building's 82 feet so  
11 it's very close.

12 COMMISSIONER JEFFRIES: Okay. It's close.  
13 Okay.

14 MR. WALTERS: And it does step down at the  
15 eastern edge also. It was split zoned as this is. Oh  
16 I'm sorry it was split zoned.

17 COMMISSIONER JEFFRIES: Okay. Thank you.

18 CHAIRPERSON MITTEN: I'm glad you asked the  
19 question about the Ellington and I just can't remember  
20 well enough so I have to ask. What's behind the Ellington?  
21 Is it townhouses or what is it?

22 MR. GLASGOW: It depends what part of the  
23 Ellington you're talking about. Maurice, if you want to  
24 go through that say from on the east side it's townhouses,  
25 in the center there's a field, rec center.

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1 COMMISSIONER JEFFRIES: She's interested in the  
2 north side.

3 MR. GLASGOW: Yes, that's on the north side.  
4 Yes that's on the north side.

5 CHAIRPERSON MITTEN: Okay.

6 MR. GLASGOW: So on the north side on part  
7 of it there's townhouses and on part of it there's a rec  
8 center or a field.

9 CHAIRPERSON MITTEN: Okay. Thank you.  
10 Anyone else have follow up? Okay. Mr. Dixon, did you  
11 have any cross examination questions? Okay. Very good.  
12 Thank you gentlemen.

13 MR. GLASGOW: Thank you.

14 CHAIRPERSON MITTEN: Now we're ready for  
15 the report from the Office of Planning. Good evening Mr.  
16 Parker.

17 MR. PARKER: Good evening, Madam Chairman  
18 and Members of the Commission. My name is Travis Parker  
19 with the Office of Planning.

20 We have before us a consolidated PUD, as  
21 you've heard, which involves a map amendment for part of  
22 the site from C-2-A to C-2-B. The applicants are  
23 requesting relief to allow approximately 5.0 FAR height  
24 up to 90 feet, relief from roof structures, from lot  
25 occupancy on the second floor, from rec space from 15

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1 percent to 10 percent, and loading to combine the retail  
2 and residential loading platform.

3 The benefits being offered by this property  
4 include a grocery store, which is now approximately 58,000  
5 square feet, affordable housing at 10 percent of the bonus  
6 density being offered, which OP calculates around 10,000  
7 square feet, the site design, the applicant has worked  
8 extensively with OP and with the Capitol Hill Restoration  
9 Society on the architecture of the building. It's  
10 generally compatible and sensitive to the other uses along  
11 H Street. As you can see it steps down from the Children's  
12 Museum to the uses to the east.

13 The alley widening is a significant amenity,  
14 the 20-foot alley, to provide access to the rear of the  
15 existing properties. And, of course, the first source  
16 and LSDBE.

17 In terms of the comp plan OP finds that this  
18 application is generally consistent with the major themes  
19 of the comp plan and it's consistent with specific themes,  
20 including the redevelopment of unused parcels and the Ward  
21 6 plan regarding H Street and revitalization of this  
22 corridor.

23 In terms of the H Street plan, the plan does  
24 call for residential and grocery store use in this location,  
25 and this site is generally competitive with that plan and

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1 with the design guidelines therein. There  
2 were several OP and community comments at the set down  
3 report and prior to this point and the applicant has in  
4 general responded to these comments. The vertical  
5 definition of the building along H Street, the horizontal  
6 definition along 3<sup>rd</sup> Street have both changed to bring the  
7 building into a more sensitive relationship with its  
8 neighbors.

9 The area containing the parking garage  
10 entrance has been recessed and lowered in relation to the  
11 row houses to the north, and the center residential wing  
12 has been recessed approximately 8 feet.

13 There were two outstanding comments that OP  
14 had in the set down report and both have been brought up  
15 by the Commission. The first was regarding the level  
16 of subsidy of the grocery store and the applicant has  
17 addressed that, and the second was the center residential  
18 wing. That has changed slightly in this but tonight is  
19 the first time that I've had a chance to look at it so  
20 OP doesn't have a fully formed recommendation on that  
21 particular aspect. But in general we're very  
22 supportive of the project and compliment the applicant  
23 on their design and recommend in favor.

24 CHAIRPERSON MITTEN: Thank you. Questions  
25 for Mr. Parker? Questions anyone? Okay. Mr. Glasgow,

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1 any questions?

2 MR. GLASGOW: No questions.

3 CHAIRPERSON MITTEN: Commissioner Dixon,  
4 any questions for the Office of Planning? All right.  
5 Thank you very much.

6 Actually, you know, I did have a question  
7 for you, and maybe this is just something that we'll leave  
8 the record open for because you just said you don't have  
9 a fully formed opinion on the subject.

10 But we have a new set of shadow studies, A-24,  
11 and I don't know if you want to just completely hold off  
12 on a reaction, but I'd like to know whether you're  
13 satisfied. If you look at the shadow study for November  
14 8<sup>th</sup> at 2 p.m., there's a lot of shadow falling on those  
15 townhouses and I'd be very interested in knowing if you're  
16 satisfied that the massing as it relates to those  
17 townhouses has been dealt with sufficiently?

18 MR. PARKER: I would hold off on answering  
19 that completely but I think our original thought on the  
20 massing had been rather than to pull the entire building  
21 back 8 feet, to lower the entire wing slightly and leave  
22 the setback where it was. But I understand that there  
23 may be more structural issues with that than what's been  
24 proposed. So I will hold back on that complete  
25 recommendation at this time.

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1 CHAIRPERSON MITTEN: Okay. But we'd be  
2 interested, I'd be interested in your assessment of that.

3 MR. PARKER: Sure. Sure.

4 CHAIRPERSON MITTEN: Thank you. Okay. We  
5 have the DDOT report in the record. There isn't anyone  
6 here from another government agency that plans to testify?  
7 Okay. Then we're ready for the report of the ANC.  
8 Commissioner Dixon?

9 MR. DIXON: Good evening. I appreciate  
10 you letting us give our little remarks on the development  
11 that's coming on. We have had several meetings with the  
12 applicants and what I would like to do is have my  
13 commissioner of the single member district who represents  
14 this area to have a few comments and say a few words if  
15 you don't mind.

16 CHAIRPERSON MITTEN: No, that would be great.

17

18 MR. RIVERA: My name is Anthony Rivera,  
19 commissioner 6C-05. After reviewing the plans and having  
20 several meetings, starting last year, with Steuart  
21 Investment Group, I surmised that they were doing a very  
22 good job in planning the project.

23 Out of all the projects that are going on  
24 in my single member district, immediately I brought up  
25 parking, like I do all the time, and they addressed that

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1 immediately because Mr. Glasgow knew that that was a big  
2 issue because in our area our parking is rather sparse  
3 here, especially with the construction. We have a lot  
4 of people that come from other parts in Ward 6 and park  
5 in our area and catch the Metro. And then right now  
6 underneath the Children's Museum and all the other  
7 construction we have a lot of people parking in our area  
8 during the day.

9 And I talked with Mr. Steuart and Mr. Glasgow  
10 about that and they said that they would be willing to  
11 entertain and try to solve this problem by parking at a  
12 different location for their workers, which I was very  
13 happy about that because it's been a large impact on the  
14 community, even right now, during the construction of the  
15 Children's Museum.

16 Also, there's an issue of addressing the  
17 construction. I mean if this thing happens, the people  
18 that live close by, and I do, less than 20 feet from the  
19 site, I mean from the square, we're going to deal with  
20 a lot of trucks like we're doing now on 3<sup>rd</sup> Street as far  
21 as commercial trucks, and they said they would make every  
22 effort to make sure that they were going to hose the trucks  
23 down and make sure everything is clean which no developer  
24 has said that yet out of the few projects that are going  
25 in our area.

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1                   And this is one of the projects that has had,  
2                   like I said, more parking spaces than the other ones there  
3                   in the area.

4                   Also, I discussed with them throughout the  
5                   ten or 15 meetings, well let me back up real quick. In  
6                   the beginning, I asked them specifically to go to every  
7                   community organization in the area, and they actually did  
8                   that and attended all the meetings. Everybody doesn't  
9                   does that, as you well know. That was a great plus.

10                  And in notification, I asked them to extend  
11                  the area and the meldings of all the proceedings to deal  
12                  with this area, so not only the people that's right in  
13                  the square or 100 feet away, but I asked them to double  
14                  the size of the meldings so everybody in the community  
15                  will be actually notified of the project.

16                  So moving on, I don't want to take too much  
17                  of your time, there's another concern that we had talked  
18                  about with the developers that are coming in the area  
19                  establishing a bid for our area for H Street and Steuart  
20                  Investment said that they would be more than willing to  
21                  come in and help us establish a bid. I'd like to have  
22                  a separate one from North Capitol since we've been separate,  
23                  you know, anything on the other side or near H Street was  
24                  taboo, but now since we're becoming more popular,  
25                  everybody wants to come around.

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1           So I think we ought to have a separate bid  
2 because I think we have a unique mix of commercial there  
3 and we need to have a separate bid to service our corridor  
4 and our residents.

5           In addition, I asked the developer, and I  
6 have a supplemental letter to the ANC letter maybe in  
7 the SMD, which states these two things that we talked about  
8 with the developer. Also, we wanted the developer to put  
9 forth resources and a survey on making the area an historic  
10 area. I would like to see the area possibly become historic  
11 all the way to Florida Avenue. So they have made a  
12 commitment to help fund the study to see if that is  
13 possible.

14           All in all, I support the project like the  
15 letter stated. I mean we do have some concerns about  
16 massing but to get the grocery store, I mean maybe that's  
17 what we have to deal with at the time. But all in all,  
18 as being the SMD I support the project and they did do  
19 all the things, more than any other developer that has  
20 come, did all the things that we asked them to do. So  
21 I'm very happy about that at least. Thank you.

22           CHAIRPERSON MITTEN: Thank you. I just  
23 want to have a little side comment to Mr. Glasgow which  
24 is you'll have to tell us if you're making a proffer for  
25 the things that Mr. Rivera just pointed out that have been

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1 --

2 MR. GLASGOW: Yes, and they're reflected  
3 in his letter.

4 CHAIRPERSON MITTEN: I need it from you.

5 MR. GLASGOW: Yes. As reflected in his  
6 letter we have agreed to those items.

7 CHAIRPERSON MITTEN: Okay. Great.  
8 Commissioner Dixon?

9 MR. DIXON: Well one more thing I wanted  
10 to say that I asked Mr. Glasgow also to try to get the  
11 business people on H Street together to work with me in  
12 trying to establish a business association of H Street  
13 so they can have some say so what goes on on H Street,  
14 you know, and they come down and represent the association  
15 at my ANC meetings when things like this come up.

16 I want the business, all the business to get  
17 together and have some kind of say so, what's going on.

18 I mean on H Street we have almost 1,000 businesses down  
19 there and we just need to have them to have some say so  
20 about what's going on, who's coming in, who's going out.

21 Anything. And be able to be a representation at my ANC  
22 meetings. I really look for that. I asked for that.  
23 And we're trying to establish that.

24 And Mr. Steuart and them said they would help  
25 me work with that and try to get it together and put some

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1 funds in the pot to start it off. We have a lot of nickel  
2 and dime businesses that can't afford to do a lot, but  
3 those who can do they need to help out until the ones who  
4 can move up and help, you know, establish that.

5 And all this business, you know, we can do  
6 things like to bid, you know, having people help keep the  
7 area clean because they help us out in security. They  
8 help us out with the police department when we do these  
9 things and that's what we're trying to do. As long as  
10 you've got people out there doing something positive, then  
11 that helps out, you don't have policemen out there because  
12 ain't nobody going to do too much in front of everybody.

13 It helps out, you know, what you're paying for.

14 CHAIRPERSON MITTEN: Oh absolutely.

15 MR. DIXON: And I see it downtown and we  
16 need to have it in the community. And it's working  
17 downtown on F Street, and it can work on H. And I need  
18 to -- they're going to work with me and I like that. So  
19 we're going to see if we can get that started.

20 CHAIRPERSON MITTEN: Thank you. Did you  
21 have another comment?

22 MR. RIVERA: No, if I just could continue.

23

24 CHAIRPERSON MITTEN: Okay.

25 MR. RIVERA: Well I mean your comment about

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1 the record and about making sure everything is on the  
2 record, I was just following up on that comment.

3 CHAIRPERSON MITTEN: Okay. Yes. And we  
4 need to get your letter in the record.

5 MR. RIVERA: Yes, I have that.

6 CHAIRPERSON MITTEN: Okay. Fabulous.

7 MR. RIVERA: We're making sure that  
8 everything is done. That's the only comment I had. Thank  
9 you very much.

10 CHAIRPERSON MITTEN: Hold your seat for just  
11 a second, we're going to see if anybody has any questions.  
12 Anybody have any questions?

13 VICE CHAIRPERSON HOOD: Mr. Rivera, I just  
14 had one quick question and I want to applaud you, your  
15 ANC for going above and beyond of making sure they got  
16 the notice. That was one of the questions that I wanted  
17 to ask and it appears that asking the applicant to make  
18 sure it goes beyond that 200 feet area I think really is  
19 a credit to your ANC so I'm going to commend you all on  
20 that.

21 The other thing is, even though it's not  
22 legally required Commissioner, did you have a single  
23 member district meeting and, if you did, what did you hear  
24 from the residents honestly because sometimes it reflects  
25 from the Commissioner's vote and sometimes it doesn't.

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1 MR. RIVERA: I had a single member district  
2 meeting on June 6<sup>th</sup> and basically we had some concerns from  
3 people that live to the north of the square as far as the  
4 shadow study, which is a concern when you talk about a  
5 building with this much massing.

6 That particular individual, and I can't think  
7 of her name right now and it was maybe one other, did talk  
8 with the architect and I guess she had her questions  
9 answered. But I don't know the outcome, I haven't heard  
10 anything from her in regard to that. And I have talked  
11 with her since the June 6<sup>th</sup> meeting.

12 We had, for the record and it's in my letter,  
13 a June 6<sup>th</sup> single member district meeting, June 7<sup>th</sup> a  
14 planning and zoning meeting and June 8<sup>th</sup> Capitol Hill  
15 Restoration, but I have the full list in my letter.

16 VICE CHAIRPERSON HOOD: Okay.

17 MR. RIVERA: That was very important because  
18 I've seen it happen before in other developments where  
19 people come and say well you didn't let us know and you  
20 didn't come to our community, so I was a real stickler  
21 and I told Mr. Glasgow this time we can't have this happen  
22 again with people not being notified.

23 VICE CHAIRPERSON HOOD: My hat's off to you  
24 and it sounds like you've done everything and you've always  
25 got somebody who says they didn't know. But my hat's off

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1 to you.

2 But let me just say, Commissioner, you have  
3 Bill Brown and Harry Jones and those guys down there, get  
4 them involved and help you get that going. Thank you  
5 Madam Chair.

6 CHAIRPERSON MITTEN: Tell them Anthony Hood  
7 sent you.

8 MR. RIVERA: Well, he has been very  
9 instrumental, just for the record, with the other projects  
10 that I have by giving me a meeting space that is a lot  
11 closer to our actual area than having to go to a farther  
12 place. So he has helped me personally. Well not personally,  
13 I mean within the confines of my position to provide a  
14 meeting place.

15 CHAIRPERSON MITTEN: Commissioner Jeffries,  
16 did you have --

17 COMMISSIONER JEFFRIES: Yes. This is for  
18 Mr. Glasgow. Mr. Dixon mentioned I think a third item,  
19 is the applicant going to be proffering something along  
20 the lines of working with the -- because that's not in  
21 the letter I don't think.

22 MR. GLASGOW: I think that's part of the  
23 bid. That's part of getting --

24 COMMISSIONER JEFFRIES: That would be part  
25 of the bid? Oh okay. Okay. Great. Thank you.

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1 CHAIRPERSON MITTEN: Thank you. And Mr. Glasgow  
2 did you have any questions for this gentleman?

3 MR. GLASGOW: No questions.

4 CHAIRPERSON MITTEN: Okay. Thank you both  
5 very much. All right. I have my witness list and we'll  
6 start with the organizations and persons in support and  
7 first up I have Anwar Saleem representing H Street Main  
8 Street, and Todd Davis and Mike Bober. Mr. Saleem, you  
9 know the drill so we'll let you go first.

10 MR. SALEEM: Good evening. My name is Anwar  
11 Saleem, the Chairperson of H Street Main Street. On behalf  
12 of the merchants along the H Street corridor we support  
13 Steuart Investment's H Street LLC project on the northern  
14 side of the 300 block of H Street, Northeast D.C.

15 This project is consistent with the H Street  
16 development plan and the H Street overlay and will serve  
17 as a critical component in fulfilling the objectives of  
18 these plans.

19 Over 500 residents, property owners and  
20 merchants participated in the development of these plans,  
21 one that was finally approved by this body.

22 This proposed project is far superior to what  
23 had been proposed on the site only a few years ago by the  
24 prior owner, a block-long Las Vegas-style gas station with  
25 a convenience store and a car wash. The formulation of

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1 the H Street revival plan and this project offers much  
2 more.

3 This development will not only complement  
4 the Senate Square project directly west of this project  
5 but will serve as a catalyst to attract a much needed  
6 critical mass serving new businesses while supporting the  
7 existing businesses that are now located along this  
8 13-block long corridor.

9 It would also provide much needed housing  
10 and jobs for the immediate community.

11 In this proposal are plans for a grocery store  
12 that is vital to our vision for an attractive and vibrant  
13 commercial corridor servicing a revived residential  
14 community.

15 From all the information that we have in our  
16 data base, this is the only site along the H Street corridor  
17 that can accommodate a grocery store without upsetting  
18 the fabric of existing businesses therefore offering the  
19 best chance to welcome a full service grocery to the  
20 neighborhood.

21 Finally, this project will serve as another  
22 component in providing a much needed tax base and assist  
23 in the clean and safe efforts by the merchants in this  
24 area.

25 We, the merchant association, H Street - Main

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1 Street, look forward to working with Steuart Investment  
2 in the establishment of clean and safe programs on the  
3 H Street corridor as he has agreed to be one of the first  
4 major large property owners to assist in this long overdue  
5 need for the corridor.

6 Therefore, we solicit your support and the  
7 approval of this application and assist us in the  
8 realization of our vision for a vibrant business corridor.

9 CHAIRPERSON MITTEN: Thank you Mr. Saleem.  
10 Mr. Davis?

11 MR. DAVIS: Yes. Unfortunately, I don't  
12 have prepared comments like Mr. Saleem but I did want to  
13 go over a couple of things.

14 As he said, this is consistent with the H  
15 Street plan and I have attended several community meetings  
16 before this that went over what they envision for this  
17 area of H Street. And if they could pick a project and  
18 say, "This is what we envision for this area," this project  
19 would be it.

20 A lot has been mentioned about the fact that  
21 traffic will increase in the area and that traffic will  
22 increase during construction, and that's probably true.

23 We probably will see a traffic increase but I think that  
24 it's a small price to pay for the benefit that we'll have  
25 of having a nice grocery store in our neighborhood.

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1           If any of you are familiar with H Street,  
2           you'll realize if you go down there right now and look  
3           at the 300 block of H, you have two businesses down there.

4           You have a daycare center and you have a liquor store.

5           Those are the only two businesses on that block of H  
6           Street right now.

7           You guys have the opportunity to offer us  
8           some additional services in our neighborhood that are much  
9           needed, and we're willing to put up with a couple of  
10          inconveniences like maybe some traffic and things like  
11          that.

12          This is a development that's close to the  
13          Metro so while traffic might increase, you have to keep  
14          in mind it might decrease in some sense, too. I'll no  
15          longer be driving to Virginia to get my groceries, I'll  
16          actually have a nice grocery store in my own neighborhood.

17  
18          So I would encourage you to think about the  
19          benefits and encourage you to allow us this great project  
20          in our neighborhood and grant Steuart Investment the PUD  
21          that they seek.

22                 CHAIRPERSON MITTEN:    Thank you Mr. Davis.  
23           Mr. Bober?

24                 MR. BOBER:    I am actually a resident of the  
25          neighborhood on the same side of H Street as this project

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1 four blocks to the east. I am on 7<sup>th</sup> and H.

2 CHAIRPERSON MITTEN: And just state your name for  
3 the record.

4 MR. BOBER: Mike Bober. Sorry about that.

5 But I am looking at this project from the perspective  
6 of someone who is further along H Street and really looking  
7 at what the potential for this project has with regard  
8 to the entire H Street concept, the entire plan that's  
9 been put forward.

10 We've seen the beginnings of some development  
11 all the way down at the end at 14<sup>th</sup> Street working its way  
12 back toward the North Capitol area. We've got a great  
13 start with Senate Square, but the question is what is going  
14 to draw the people from the Senate Square area further  
15 down H Street and really make the H Street corridor into  
16 one contiguous and active area.

17 And a project like this that has grocery,  
18 it has residential and it has the potential for additional  
19 retail as well, is going to be just that kind of project.

20 It's going to be something that's going to encourage  
21 people to not go to the west but instead to keep going  
22 to the east and to really drive businesses. We've got  
23 a new bookstore that's opening on H Street within the next  
24 month, we have an individually owned coffee shop that's  
25 coming in on the 400 block that's going to be a wonderful

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1 addition.

2 And anything that we can do to get the people  
3 who are going to be living on the very furthest westernmost  
4 side of H Street to become real residents of H Street and  
5 not just people who have that as their address, to me that's  
6 a brilliant idea and that's something that being at the  
7 700 block I support wholeheartedly because, frankly, I  
8 don't really think that restaurants and bars all the way  
9 down at 13<sup>th</sup> and 14<sup>th</sup> are going to be enough to revitalize  
10 this area by themselves.

11 We need fresh produce, fresh meat, fresh  
12 seafood and a grocery store right on H Street is exactly  
13 that. Thank you.

14 CHAIRPERSON MITTEN: Thank you. Questions  
15 for the panel? Any questions? Mr. Glasgow, any questions?

16

17 MR. GLASGOW: No questions.

18 CHAIRPERSON MITTEN: Commissioner Dixon,  
19 any questions? All right. Thank you gentlemen very much.

20 Is there anyone else who would like to testify in  
21 support? Anyone else who'd like to testify in support?

22 Okay. Then we'll move to the folks who are opposition.

23 I have Mackie McCrea, I have Elsbeth Purdy,  
24 Nathan, and I can't read your --

25 I think we'll have a full table and then we'll

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1 go from there. I think I have more people than I called.  
2 Why don't we work our way from this side down. Okay.  
3 We'll go from that end of the table down.

4 MR. McCREA: Thank you very much. Before  
5 I start, and I know time is of the essence and stuff, but  
6 I need to say --

7 CHAIRPERSON MITTEN: Would you say who you  
8 are first?

9 MR. McCREA: Oh okay. My name is Mac McCrea.  
10 I'm a resident of Square 776. I'm also the representative  
11 for a lot of the senior citizens that live on that square.

12 Before I get into my actual formal testimony  
13 I need to say something to the Commission because I've  
14 been sitting here chomping at the bit hearing all the  
15 testimony and seeing the protocol of allowing the  
16 developer to come first and give all this testimony and  
17 we have to sit through this, and then having all the people  
18 for the project. And it's somewhat unfair to us because  
19 it makes us wait an awful long time. Some of the people  
20 who would have come, no way in the world they could have  
21 stayed here this long. So in the future you may want  
22 to consider mixing it up a little bit to give the opposing  
23 side a fair shot.

24 CHAIRPERSON MITTEN: We have standard rules  
25 of procedure and if you look in our regulations you'll

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1 see that this is the order that we --

2 MR. McCREA: I understand. I'm familiar  
3 with the regulations but I'm talking about in terms of  
4 just sheer fairness of the process. Okay. Thank you very  
5 much.

6 Now if I may I'd like to get into my formal  
7 testimony.

8 Chairman Mitten and other Commissioners, I'm  
9 a lifelong Washington, D.C. resident and property owner  
10 of Square 776. I also humbly serve as co-chairman of  
11 Square 776 Committee that is in strong opposition to this  
12 proposed development and this continued aggressive  
13 assault on Square 776 by this developer, Steuart  
14 Incorporated.

15 As spokesman for Square 776 Committee, we  
16 are strongly opposed to this development. We residents  
17 of Square 776 strongly oppose the developer's attempt to  
18 close or reconfigure our alleyways. The alleyways have  
19 served us well through decades, they provide access to  
20 our backyards for parking and other activities. They  
21 provide access for all city services that we as taxpayers  
22 are entitled to.

23 They also provide access for emergency  
24 vehicles. A few years ago we had a serious three-alarm  
25 fire on the Square that made the television news and which

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1 required hook and ladders to put the fire out. And if  
2 they didn't have access to the back of our houses, they  
3 would have burned down.

4 We ask your Commission to strongly look at  
5 the track record of this developer. These are the same  
6 guys, along with BP Amoco, that attempted to run that  
7 truck-stop style gas station on the Square. They didn't  
8 have a problem with that. That was fine. They all agreed  
9 to it.

10 This group was very shrewd and manipulative  
11 and attempted to dictate to our community. Despite the  
12 shenanigans of our ANC, that frequently ignored residents'  
13 concerns and are pro-development, a bipartisan group of  
14 civic associations, community leaders both black and white,  
15 along Square 776 was able to temporarily stop this previous  
16 assault with this gas station. Okay?

17 We know that development is coming, but we  
18 ask your assistance in making sure that residents at least  
19 have some say.

20 The developers are profiteers. They have  
21 no conscience or civic concern. After they build their  
22 towers, and make millions, they will leave the problems  
23 of over-development to the residents who are left to deal  
24 with it.

25 We say this is not right. Let's make this

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1 a fair fight. We ask you to look at their attempt to  
2 circumvent your zoning rules by this land grab. Part of  
3 the parcels is zoned as, excuse me if I get the actual  
4 numbers wrong, C-2-B and there's a part in the center of  
5 the square that has a different zone.

6 The gentleman testified that it was simply  
7 overlooked. He don't know the history of the square.  
8 That was a different parcel that was owned by a different  
9 business and that's why it was zoned differently.

10 Now in this attempt to land grab they want  
11 to merge it all together like it never existed before.

12 It is our understanding that the lots in the heart of  
13 Square 776 are subject to different zoning rules than the  
14 lots that are adjacent to 3<sup>rd</sup> and H Streets.

15 We want to know in the Square what is next.

16 Will they attempt to zone our houses off the square?

17 Please don't allow them to do this. We have property  
18 rights, too.

19 We also ask that if this bad project is  
20 allowed, please make them cut the height of the building  
21 at least in half so it won't dwarf our houses and restrict  
22 the natural sunlight. They showed you on the screen how  
23 big the building is. Commissioner Jeffries mentioned how  
24 it looks like a warehouse-type. Yes, that's what it looks  
25 like. If you're familiar with the Ellington structure,

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1 it's a box structure on U Street, I'm very familiar with  
2 the surrounding area. Okay.

3 CHAIRPERSON MITTEN: I need your closing  
4 thought because you're just about out of time.

5 MR. McCREA: Okay. Closing thought. Thank  
6 you so much.

7 We simply ask that our rights as property  
8 owners and citizens be adhered to. The developer at no  
9 time sat and talked with the people on the Square. All  
10 the people who testified before you from the different  
11 organizations, one, do not live on the Square; two, most  
12 of them live from four to six residential squares away  
13 but yet they're going to dictate what's good for our  
14 square.

15 And, finally, one more point. Yes, the  
16 neighborhood needs a grocery store. Historically the  
17 grocery store was centered on the H Street corridor and  
18 that made sense. You ask the Safeways that were there.

19 What they're doing they're putting the  
20 grocery at one end, if you look at your dais, imagine the  
21 grocery store being where the flag is. All these residents  
22 got to walk essentially 13 blocks to get there. That  
23 grocery store is being set up for that development for  
24 their private grocery store. And parking is going to be  
25 atrocious and you know it. Thank you very much.

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1 CHAIRPERSON MITTEN: Thank you. I don't  
2 know your name sir, you'll have to introduce yourself and  
3 use the same mike as Mr. McCrea if you would.

4 MR. BARBOSA: Okay. My name is Francisco  
5 Barbosa. I live in 309 Eye Street. I guess I'm only one  
6 it will hurt. My English is not that good. I just don't  
7 want it. I don't want them to close the alleys. I don't  
8 want them to go over the top of my house. This I have  
9 to say.

10 CHAIRPERSON MITTEN: Okay. Thank you. Would  
11 you mind shutting off the mike then.

12 MR. McCREA: Can I show you these?

13 CHAIRPERSON MITTEN: You'd have to submit  
14 them for the record if you're going to put them in.

15 MR. McCREA: They're already in a previous  
16 record.

17 CHAIRPERSON MITTEN: In the record of a  
18 previous case?

19 MR. McCREA: That's right.

20 CHAIRPERSON MITTEN: They're not in the  
21 record of this case then. You'd have to submit them again  
22 and if you want to, I suggest you label them so that we'll  
23 know what we're looking at.

24 MR. McCREA: I was just wondering since you

25 --

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1 CHAIRPERSON MITTEN: Okay. Your turn's over  
2 now. We're going to go on. So the record will remain  
3 open and if you want to submit additional things please  
4 do that.

5 MR. McCREA: Commissioner, if I may --

6 CHAIRPERSON MITTEN: You need to be on the  
7 microphone if you're going to talk to me.

8 MR. McCREA: Commissioner, if I may I simply  
9 just wanted you to see if because even though they have  
10 beautiful sketches up there, those are two dimensional.  
11 When you actually it, it'll give you a better view.  
12 That's all this is.

13 CHAIRPERSON MITTEN: And that's fine. That's  
14 fine.

15 MR. McCREA: Okay. Thank you.

16 CHAIRPERSON MITTEN: Thank you. Ms. Purdy?

17 MS. PURDY: Hi, my name is Elsbeth Purdy,  
18 sorry I'm really new at this. And we live at 816 4<sup>th</sup> Street  
19 so we are one of the townhouses that will be in the shadow.  
20 Our townhouse is only two stories high. It's maybe about  
21 30 feet and if you look, I mean I think that the actual  
22 setback of the building will be above where our back window  
23 looks out so I don't really know, you know, it's  
24 monstrously tall for that area. Our house is going to  
25 be a third the size of the building right behind it.

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1           Also, you know, we park in the back lot and  
2           that's really important to me as a young woman living in  
3           D.C. I want to be able to have my back lot to park in  
4           and I understand that they're going to be opening the  
5           alleys larger, which will help us, but in that diagram  
6           that I saw if there's going to be trucks coming in and  
7           out, I mean is that not going to block up that area?

8           Also, 4<sup>th</sup> Street is a one way street and I  
9           don't know about those traffic reports that they were  
10          giving but I really disagree because I wake up, I mean  
11          in the morning 4<sup>th</sup> Street is packed full. It goes out and  
12          it goes across Eye Street and it's just packed in the  
13          afternoon as well.

14          I don't understand how they're going to have  
15          major vehicles backing into that alley on 4<sup>th</sup> Street, or  
16          even pulling in front way to that alley, when it's already  
17          very congested at peak hours. I mean I guess they've done  
18          studies but it's much more congested I would say than 3<sup>rd</sup>  
19          Street is from living there and what I've seen. I guess  
20          that's all I have to say.

21                 CHAIRPERSON MITTEN:    Okay. And Mr. Purdy?

22  
23                 MR. DESJARDINS:        Soon to be Mr. Purdy my  
24          name's Nathan DesJardins.

25                 CHAIRPERSON MITTEN:    Oh, I'm sorry. I had

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1 another Purdy so I'm sorry. Okay. Sorry.

2 MR. DESJARDINS: He'll be up. I also live  
3 in the same housing that she does right in the middle of  
4 4<sup>th</sup> Street.

5 My biggest concerns actually came up from  
6 their presentation and picking it apart. The trash  
7 disposal is going to be in the back alley which is actually  
8 going to be facing all the backyards of all the residents  
9 there, so there's going to be a very strong odor going  
10 down the alleyway into the houses. Even a  
11 30-foot tractor/trailer truck, if it's trying to pull out  
12 of they alley onto 4<sup>th</sup> Street, isn't going to be able to  
13 do so with two lanes of parking on both sides of the street.  
14 It won't make the turn.

15 There's also a bus stop right there too, in  
16 between the alley and H Street, and if they're somehow  
17 planning to back in from there there's no way a large truck  
18 would be able to do that. They'd actually be blocking  
19 H Street to do that. The front of the truck would be in  
20 H Street as they're doing that.

21 In the diagram that truck would be idling  
22 next to somebody's house, within a few feet, and the motor  
23 would be sitting next to somebody's external wall to their  
24 house.

25 As she said, I think the traffic measurements

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1 are off. Fourth Street backs up to Eye Street, from H  
2 to Eye, it backs up regularly, morning, afternoon. And  
3 even turning from H Street onto 3<sup>rd</sup>, as that left turn we  
4 were talking about, there may be a left turn arrow but  
5 either way I've done as it is now and it doesn't seem too  
6 easy.

7 Even a bigger concern, and I've only been  
8 here for a few months, but as far as I can tell H Street  
9 and New York Ave. are the two major thoroughfares to get  
10 to Route 50 so the city flows from Capitol Hill down H  
11 Street and then onto, and I forget the name of the street  
12 there, it's directly onto H Street. What is it? Yes,  
13 Bladensburg Avenue (sic). So it's already a very congested  
14 street. It's bumper to bumper from 3:30 all the way up  
15 till 6:30, so I don't see how that would be a possibility  
16 to add more traffic into the mix.

17 Also, I don't know what type of store we're  
18 talking about, but Whole Foods is a whole different dynamic  
19 than say Stop N Shop, and the dynamic of the customer is  
20 different.

21 We ride our tandem bicycle over to the  
22 Northwest Whole Foods and if you look there'll be a whole  
23 long line of bikes locked up and a whole bunch of people  
24 walking. It's a different dynamic of people. So if it's  
25 not a Whole Foods it's going to be scary.

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1 CHAIRPERSON MITTEN: I need your closing  
2 thought because you're about out of time.

3 MR. DESJARDINS: Also, the mail that we  
4 received the notification of this meeting wasn't certified.  
5 Ours was actually open, and I don't know if it was actually  
6 sent to the owners. We're actually renters so I'm sure  
7 they're actually getting to the homeowners. And as far  
8 as the meetings we haven't heard anything about going to  
9 any other meeting besides this. Thank you.

10 CHAIRPERSON MITTEN: Okay. Thank you. Sir?

11

12 MR. LUNSFORD: Good evening. My name is  
13 Roy Lunsford, I live at 323 Eye Street, N.E., also in the  
14 776 square. I'm a lifelong resident.

15 I don't want to seem negative or to kick the  
16 developers out. My biggest thing about the developers,  
17 the ANC guy claims they've met with them on different  
18 occasions. At no time have we been notified of any meetings  
19 or anything. The only person I've been working with is  
20 Mr. McCrea and we worked against the BP people some years  
21 ago about their development that they wanted to do on H  
22 Street.

23 Now again this guy's back with a different  
24 type of development offering a store and a residential  
25 area. But, at the same time, they're closing off the

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1 alley. And closing off that alley, which is not an alley  
2 it's a court, it's Brewer's Court from H Street to K Street,  
3 south to north. That alley runs straight through from  
4 H Street all the way to K, which is Brewer's Court which  
5 years ago had houses already back there.

6 So now we're going with a 200 some unit  
7 residential deal, they're putting up a 1,000 unit  
8 residential deal on 3<sup>rd</sup> Street where the old Children's  
9 Museum used to be. Now they claim they're having parking  
10 for them. They're also offering parking. What's going  
11 to happen when the people decide they don't want to park  
12 in the parking structures that they are providing for them?

13 They're going to overload our area where we can't park.

14 As it is now while the construction's going  
15 on, which I can deal with, the developer there has provided  
16 some parking. But at 5:30 in the morning on Eye Street  
17 the street is full, there's no more parking available.

18 At 5:30 in the morning on 4<sup>th</sup> Street the street is full,  
19 there's no more parking available.

20 Now we add on more, the residential area,  
21 you know, housing. Two people to a household more than  
22 likely, possibly two cars or at least one and a half, you  
23 know, if you want to do a count or a ratio of how things  
24 are going go but I'm looking at 1,000 units. Then you're  
25 talking about the other place they're going to build across

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1 from the Children's Museum, are they going to have parking  
2 for them? Where are we going to be left?

3 And the other thing is most of the people  
4 in 776, other than these people here, are senior citizens  
5 who've been there, you know, taxpayers all their lives.

6 And nobody's offered them anything. Nobody has come and  
7 said what's going to happen, how it's going to happen,  
8 what's the time period involved. Nothing.

9 And my man back here said something about  
10 the H Street development. H Street development hasn't  
11 said anything to anybody in 776.

12 CHAIRPERSON MITTEN: I need your closing  
13 thought now.

14 MR. LUNSFORD: I don't want to see the alley  
15 closed. My closing thought is I don't care how you all  
16 do the development but leave the alley so we have public  
17 access for the utility vehicles and fire and emergency  
18 vehicles. I'm not knocking the store but the store can  
19 be downsized, you know, we can still have a store or the  
20 residential deal. But if you look at the drawing that  
21 they did on the 3<sup>rd</sup> Street side where the loading dock is,  
22 and you all were talking about the step back, that step  
23 back is right next to, well by the time they go work on  
24 the alley that's right next to a guy's house that lives  
25 there. So that's going to be truck traffic next to him

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1 all day long, you know, supplying the store.

2 CHAIRPERSON MITTEN: Right. Okay. Thank  
3 you.

4 MR. LUNSFORD: And I hope you all look at  
5 this very good.

6 CHAIRPERSON MITTEN: Yes. I just want to  
7 make one thing clear just so you all understand. We don't  
8 authorize the closing of the alley, the City Council does.  
9 So there will be another opportunity for you to weigh  
10 in on the alley closing. I'm just telling you that for  
11 your information, we're not going to have a debate about  
12 it.

13 MR. LUNSFORD: No, I want to ask a question  
14 though.

15 CHAIRPERSON MITTEN: Okay.

16 MR. LUNSFORD: Is there going to be a  
17 notification of their meeting?

18 CHAIRPERSON MITTEN: Yes, but I don't know  
19 that it'll come to your house. There will be notice of  
20 a public meeting of the Council and that will be on the  
21 agenda. There'll be a public hearing actually but I don't  
22 know that you'll get individual notice.

23 MR. LUNSFORD: Is it going to be publicized  
24 like in the newspaper?

25 CHAIRPERSON MITTEN: I don't know how they

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1 do it, but I know there will be notice.

2 MR. LUNSFORD: All right.

3 CHAIRPERSON MITTEN: Questions for the  
4 panel?

5 VICE CHAIRPERSON HOOD: Yes, Madam Chair.

6 Let me just ask and I'll start with Mr. McCrea. As someone  
7 who participated with the Amoco with the BZA when it was  
8 there I'm very familiar with this site. MR.

9 McCREA: Yes, I remember.

10 VICE CHAIRPERSON HOOD: The question I have  
11 for you is, first let me just find out how you I guess  
12 work with the ANC which is a non-paid group of citizens.

13 And the reason I'm going here because I'm a president  
14 of a civic association and I kind of know how it is, I  
15 didn't get this and I didn't get that, I understand that.

16 But I think it's incumbent upon, and I'm not scolding  
17 you, I'm just trying to figure out how you work with your  
18 ANC, I think it's incumbent upon also the residents who  
19 live in specific areas to go out and try to get involved  
20 with the ANC.

21 I have people who come to me all the time,  
22 Anthony, I didn't know, it didn't come to my house. And  
23 I will tell you personally and I have a passion about this,  
24 I'm not going to actually walk up to everybody. I do the  
25 best I can do on a volunteer basis.

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1 But forget about me, it's not about me right  
2 now. Let me just ask you though. How do you work along  
3 with your ANC? Do you participate in meetings? I know  
4 they meet once a month, they're probably off in July and  
5 August, that's why I say if you ever want to get anything  
6 through through the city, you do it in July and August.

7 But do you go to your ANC meetings and participate and  
8 who is your ANC? You don't necessarily have to tell me,  
9 do you know who your ANC commissioner is?

10 MR. McCREA: Yes.

11 VICE CHAIRPERSON HOOD: Okay. Do you work  
12 along --

13 MR. McCREA: May I respond?

14 VICE CHAIRPERSON HOOD: Sure.

15 MR. McCREA: I think that's a fair question,  
16 Mr. Hood, and without sounding negative let me put it in  
17 perspective for you.

18 In our particular area there has been a lot  
19 of problems with the ANCs, okay? There's been a lot of  
20 political shenanigans going on. It's a matter of record  
21 the one before Mr. Rivera was indicted and he's in jail.

22 The record indicates that Mr. Rivera, as we sit here,  
23 is indicted also for the same kind of shenanigans.

24 When we approach the ANC about our position  
25 on certain things they totally ignore us. They have been

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1 pro-business. They do not send out notifications -- we  
2 have to find out on our own. As you recall, I was one  
3 of the ones that testified before you at the last hearing.

4 I think at that time it was the longest hearing ever at  
5 this organization, I think it lasted till about two o'clock  
6 in the morning and stuff. So I'm very active in my  
7 community.

8 VICE CHAIRPERSON HOOD: Has there been one  
9 longer than that?

10 MR. McCREA: Well at that time I think it  
11 was.

12 VICE CHAIRPERSON HOOD: Two o'clock? I  
13 thought a couple of weeks ago was the longest one but go  
14 ahead.

15 MR. McCREA: That was like a couple of years  
16 ago. So I'm very active with the community, I'm active  
17 in the political campaigns but, to be honest with you,  
18 the reason why Square 776 formed my own committee because  
19 we knew our ANCs were not addressing our concerns. They  
20 don't communicate with us. They don't talk to us. And  
21 they have their own agenda, and that's a matter of record.

22 VICE CHAIRPERSON HOOD: Okay. I will tell  
23 you and I guess when they come back I do have a concern  
24 about the 4<sup>th</sup> Street issue, Madam Chair, but I guess this  
25 is not the time. I will address that not now but when

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1 they do rebuttal. Thank you.

2 CHAIRPERSON MITTEN: Anyone else? Questions  
3 for this panel?

4 MR. LUNSFORD: Yes. Upon all of this going  
5 on tonight when will we find out the results?

6 CHAIRPERSON MITTEN: We'll tell that at the  
7 -- I have a closing and we'll set time for the record to  
8 close and then you'll get some sense of when it might be  
9 on our agenda for a meeting.

10 VICE CHAIRPERSON HOOD: One more quick  
11 question. I forgot who it was that mentioned about the  
12 trash facing your house. About how many feet away is it?  
13 Is it the dumpster, the proposal of the dumpster?

14 MR. DESJARDINS: Yes. On their diagram it  
15 would have been just the alley away and I forget what the  
16 new alley's going to be. Did they say 8 or 12 feet?  
17 But it's only going to be an alley away and that same house  
18 on the very end of 4<sup>th</sup> Street is not only going to have  
19 the trucks idling next to it, it's going to have the exhaust  
20 fan right there and the trash disposal all on that same  
21 flat wall closest to that one house.

22 VICE CHAIRPERSON HOOD: Okay. I see it now.

23 MR. DESJARDINS: And I can't imagine with  
24 their building being so tall that the air flow's going  
25 to let the trash smell vent any other way than down the

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1 alleyway.

2 VICE CHAIRPERSON HOOD: Okay. Thank you.

3

4 MR. DESJARDINS: Thank you.

5 CHAIRPERSON MITTEN: Anyone else have  
6 questions for this panel? Anyone else? Mr. Glasgow,  
7 any questions? Commissioner Dixon, did you have any  
8 questions for the panel? Thank you, Commissioner Dixon.

9 All right. Thank you to the panel. Thank  
10 you all very much and, as I said, we'll leave the record  
11 open and we'll say when it will be closed if you have  
12 additional things you'd like to submit. We'll say that  
13 at the end.

14 The record will be open so you can submit  
15 those.

16 MR. McCREA: I'll just have them recopied  
17 and I can bring that --

18 CHAIRPERSON MITTEN: Yes you can. Okay.  
19 Thank you. All right. I also have Mr. Purdy on the witness  
20 list if you'd like to testify and I have Mr. Heavey. And  
21 anyone else who'd like to testify in opposition can feel  
22 free to have a seat at the table. Mr. Purdy, why don't  
23 you go ahead.

24 MR. PURDY: My name is Jim Purdy. I own  
25 the property that my daughter lives in and it's about

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1 halfway down on 4<sup>th</sup> Street. We've owned it for like 25  
2 years and I'm actually glad to see some development happen  
3 in the area. I'm not exactly an opponent or a proponent  
4 of this thing, I just wanted to come to see what was  
5 happening.

6 But a couple of things that concern me was  
7 things they left out and one of them Nate mentioned was  
8 the trash. That trash compactor which is going to be a  
9 big 40-yard whatever behind that house, those trash trucks  
10 are going to come back there in the middle of the night,  
11 beep-beep-beep backing up. I'm worried about the rodents  
12 and not just the smell but what else that's going to cause.

13 I'm also worried about if you drive down H  
14 Street at any time, cars are just double parked, H Street  
15 is a two-lane street not a four-lane street. Because of  
16 all the double parking I can imagine what that alley's  
17 going to look like with parking unless it's policed  
18 consistently.

19 And, if you put a big building up there, my  
20 other concern was the tallness of the building is going  
21 to block off those yards in the back so those yards aren't  
22 going to be open for people to see into. That means it's  
23 going to be more accessible to burglaries, that type of  
24 thing. I'm worried about lighting, I'm worried about  
25 security back there. And I think those need to be

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1 addressed.

2 I'm also worried about the type of store  
3 they're going to put in there and I'm also concerned about  
4 the store's hours. They didn't discuss any of that, how  
5 that's going to affect the residents.

6 And the last thing is 121 spaces. I go to  
7 Whole Foods in Annapolis, I know it's not an urban area  
8 it's a suburban area, but at 9 o'clock in the morning,  
9 they open up at eight, there was nothing else in that  
10 shopping center that they're in that's open except a  
11 Starbucks and there's got to be 300 cars in there at 9  
12 o'clock in the morning. And I'm telling you, Saturday  
13 morning this store is going to be inundated with cars and  
14 121 spots isn't even going to be close to enough spots  
15 for that store.

16 I don't know where they got their figures  
17 from but it's been my experience, and I own a parking  
18 business, that planners underestimate how many people are  
19 going to come to do things. And so, you know, he may be  
20 right, he may be within the standards but the standards  
21 may not apply to what you actually need -- as you see when  
22 you look at parking spots on highways all the time.

23 CHAIRPERSON MITTEN: I need your closing  
24 thought, you're about out of time.

25 MR. PURDY: Okay. And the last thing is

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1 the concern with the stores and parking, is it going to  
2 be paid parking? Is it going to be validated parking?  
3 How are they going to do that, how are they going to  
4 control it?

5 CHAIRPERSON MITTEN: Thank you. Please go  
6 ahead.

7 MR. HEAVEY: Okay. My name's Paul Heavey,  
8 I live in the 300 block of K Street, N.E. so I'm one square  
9 north of the proposed development.

10 Again, I'm sort of agreeing with Mr. Purdy,  
11 I'm not saying I'm an opponent but I just want to I guess  
12 voice my concerns about some of the things that they've  
13 addressed in their proposal.

14 Already you've heard from the immediate  
15 neighbors concerning the height. The traffic study that  
16 was performed for the H Street overlay did mention that  
17 the 3<sup>rd</sup> and H Street intersection was at level service D,  
18 I'm not very technical on this but I'm sure I'll get  
19 corrected, and the introduction of the new parking garage  
20 entrance, I'm not exactly sure how that will remain at  
21 that level which the report by the developer has proposed.

22 One of the developments that was not  
23 mentioned is the development going up between 2<sup>nd</sup> and 3<sup>rd</sup>  
24 and K and L, which I believe is in the upward of 300 or  
25 400 units. Now granted that's two blocks away from this

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1 development but it's going to also impact the traffic  
2 demands of the area.

3 I think the alley closing has already been  
4 approached, and my only other concern I guess that I'll  
5 voice right now is -- or actually I have two, I'm sorry.

6 One is that a supermarket has not committed to the  
7 project yet and my concern is what happens if they do not  
8 get that.

9 And, finally, is with the height requirement  
10 and the PUD approval request we're getting I guess eight  
11 moderate income housing or rental units for the 40-foot  
12 height requirement for the PUD approval. And I just hope  
13 that you'll take these things into consideration before  
14 you make your decision.

15 CHAIRPERSON MITTEN: Thank you. Mr. Heavey,  
16 are you the one with the solar panels on your roof? Okay.

17 I thought you looked familiar. Okay. Any questions for  
18 these gentlemen? Any questions? Any questions Mr.  
19 Glasgow? Okay. Thank you both for sticking with us tonight.

20

21 Anyone else who'd like to testify in  
22 opposition? Okay. Mr. Glasgow?

23 MR. GLASGOW: I think with respect to the  
24 rebuttal we want to make sure to clarify the record on  
25 a couple of things. I'd like to have Mr. Maurice Walters

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1       come up first to discuss the plans in Sheet AO-1 as they  
2       deal with the trash compactor area and how that all  
3       operates.

4                   CHAIRPERSON MITTEN:   I need you to turn your  
5       mike on for me.

6                   MR. WALTERS:   There is some concern expressed  
7       about the trash and I just wanted to clarify.   We have  
8       a small amount of retail and there's a room right here  
9       that has doors on it that would remain closed and they  
10      would bring their trash out there and the doors would be  
11      opened and the trash would be rolled out.   And that would  
12      be 8 plus 12 is 20 and then another 12 feet, 32 feet away  
13      from that house.   That would be the retail trash.

14                  The residential trash, the way it works in  
15      apartment buildings, there's a chute that every person  
16      puts the trash into and it goes down to the ground floor  
17      and there will be a compactor right here within the  
18      building and it compacts it into little bins and it's keep  
19      inside.   And then when the truck comes they're rolled down  
20      that corridor and out and picked up.   They're not too  
21      dissimilar from what you do at your own home when you roll  
22      the trash out.

23                  CHAIRPERSON MITTEN:   So it's not a dumpster?

24                  MR. WALTERS:   No.   No, it's a compactor.

25                  CHAIRPERSON MITTEN:   Okay.

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1 VICE CHAIRPERSON HOOD: What about the  
2 retail? Explain the retail again.

3 MR. WALTERS: The retail is a small room  
4 right there. It's about 8 feet by 8 feet, so that would  
5 probably be small, that's not big enough to put a large  
6 dumpster and it would probably be a series of small  
7 containers that would be rolled out.

8 VICE CHAIRPERSON HOOD: So how is it  
9 recovered? I mean when they come to pick it up, how is  
10 that done? They roll it outside?

11 MR. WALTERS: Yes, they would roll it out  
12 to the alley right there and the truck would pick it up.

13  
14 VICE CHAIRPERSON HOOD: And it sits there?

15 MR. WALTERS: No, I think it would be  
16 recovered when the trucks come.

17 VICE CHAIRPERSON HOOD: But who rolls it  
18 out?

19 MR. WALTERS: I would assume the trash  
20 collection company would.

21 VICE CHAIRPERSON HOOD: So there's no  
22 predetermined -- it won't be rolled out on trash day prior  
23 to the trucks coming, right?

24 MR. WALTERS: No, I think they would pull  
25 it out.

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1 VICE CHAIRPERSON HOOD: Okay. Mr. Turnbull  
2 do you have a question?

3 COMMISSIONER TURNBULL: Mr. Walters?

4 MR. WALTERS: Yes?

5 COMMISSIONER TURNBULL: What about on the  
6 grocery store? Is that in the service bay?

7 MR. WALTERS: Yes. They do have a compactor  
8 and that's sized for their demands. They throw trash,  
9 there would be an aperture in the wall they'd put trash  
10 directly in there. It compacts. The trucks pull in and  
11 retrieve the trash there so it's all contained within the  
12 building.

13 MR. GLASGOW: And Mr. Walters, the vent for  
14 the trash areas on the residential and retail side, they  
15 will go up to the roof?

16 MR. WALTERS: Are you speaking about the  
17 garage exhaust or the trash?

18 MR. GLASGOW: For the trash.

19 MR. WALTERS: Yes.

20 CHAIRPERSON MITTEN: Anything else? Mr.  
21 Glasgow?

22 MR. GLASGOW: Well, I think that we wanted  
23 to make sure that we covered any of the questions that  
24 the Commission members had, the one specific question had  
25 to do with the trash. I think there may have been -- wanted

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1 to I guess find out if there was any other question, open  
2 the issue that we had with any of the witnesses that we  
3 have here that any of the other commissioners wanted to  
4 have as a result of the testimony.

5 VICE CHAIRPERSON HOOD: Okay. I think Mr.  
6 Hood has something.

7 VICE CHAIRPERSON HOOD: And it didn't jump  
8 out at me when the chairperson was talking about the trucks  
9 backing up to go into that alley on 4<sup>th</sup> Street. And I think  
10 that won't work. I don't see that working. If trucks  
11 are backing up on 4<sup>th</sup> Street, which I was just reminded  
12 with the testimony, 4<sup>th</sup> Street is a one way?

13 MR. GLASGOW: Yes, 4<sup>th</sup> Street is one way.  
14

15 VICE CHAIRPERSON HOOD: I think the testimony  
16 to the Chair earlier was that trucks are going to be backing  
17 up on 4<sup>th</sup> Street. That won't work.

18 MR. GLASGOW: We will address that then in  
19 a post-hearing submission. And I think one of the items  
20 that the Chair referenced is instructive on that. She  
21 said you may want to look at limiting the size of the trucks  
22 using the east alley. Because the smaller truck, the  
23 55-foot truck would have to come in and back in. If we  
24 say 55-foot trucks can't use that alley, then there won't  
25 be a back up there to back in. VICE

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1 CHAIRPERSON HOOD: So that will take care of the back  
2 up issue?

3 MR. GLASGOW: Right.

4 VICE CHAIRPERSON HOOD: Okay. All right.  
5 Thank you Madam Chair.

6 CHAIRPERSON MITTEN: Anyone else have any  
7 outstanding questions that they'd like to have answered?

8 AUDIENCE MEMBER: Do we get to ask a question?  
9

10 CHAIRPERSON MITTEN: No, you don't. I'm  
11 sorry. Did you want to make a closing statement?

12 MR. GLASGOW: I think that anything else  
13 that we have in closing on this we can submit for the record.

14 There's no need to keep anybody later tonight.

15 CHAIRPERSON MITTEN: Okay. That would be  
16 great. Thank you. Very considerate. All right. I think  
17 what we'll do since this isn't going to be on, the earliest  
18 would be September, we'll leave the record open for 30  
19 days to give people ample time to submit whatever else  
20 they might have. If you give us a date on that.

21 MRS. SCHELLIN: Monday, August 7<sup>th</sup>, three  
22 o'clock p.m.

23 CHAIRPERSON MITTEN: Okay. And then what's  
24 the date of our September meeting?

25 MRS. SCHELLIN: The 11<sup>th</sup>.

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1 CHAIRPERSON MITTEN: Okay. We will then  
2 leave the record open for any additional submissions,  
3 including the supplemental report from the Office of  
4 Planning until Monday, August 7<sup>th</sup> and you make any  
5 submissions by three o'clock in the room next door.

6 And then it's likely then that we will have  
7 this on our agenda for our September meeting, which is  
8 September 11<sup>th</sup> at 6:30 in this room, but you can always  
9 call the office just to verify that if you want to attend.

10 And at the meeting, when we deliberate, there will be  
11 no further testimony but you're welcome to come and observe  
12 the Commission's proceedings.

13 Let's see. What else do I want to say? I  
14 guess that's all. And Mrs. Schellin's always available  
15 to answer questions if you have any additional questions.

16 So I thank you all. We got a late start tonight. Did  
17 you have something?

18 MR. GLASGOW: Yes, just very quickly. What  
19 is the record left open for? Any of the submissions?

20 CHAIRPERSON MITTEN: Well, Mr. McCrea has  
21 some photographs. Office of Planning is going to make  
22 a supplemental report.

23 MR. GLASGOW: Right. I'll file closing  
24 statement?

25 CHAIRPERSON MITTEN: Yes. And then anything,

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1 just to maybe clarify what the proffers are. MRS.

2 SCHELLIN: The economic analysis.

3 CHAIRPERSON MITTEN: Yes, the economic  
4 analysis.

5 MR. GLASGOW: Um-mmm.

6 MRS. SCHELLIN: The perspective regarding  
7 the DDOT parking issue. I think you wanted a list of our  
8 brochures in the area and what their parking is.

9 CHAIRPERSON MITTEN: Yes.

10 MR. GLASGOW: Okay.

11 MRS. SCHELLIN: And OP's assessment  
12 regarding the shadow study.

13 CHAIRPERSON MITTEN: Right. Sorry, we  
14 usually run down the list and I didn't think to do that.

15

16 MR. GLASGOW: Findings and conclusions the  
17 same date?

18 CHAIRPERSON MITTEN: If you can do that,  
19 that would be great.

20 MR. GLASGOW: Okay.

21 CHAIRPERSON MITTEN: Okay. Then thank you  
22 all and we're adjourned.

23 (Whereupon, the hearing in the  
24 above-entitled matter went off the record at 10:00 p.m.,  
25 with the record to be left open until August 7 at 3 p.m.

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1 for additional submissions.)

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